



## United Nations Conference on Trade and Development

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**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**  
Geneva, 8–12 November 2010

### **Report of 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**

Held at the Palais des Nations, Geneva, from 8 to 12 November 2010

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## I. Resolution adopted by the Conference

*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,*

*Having reviewed* all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, 30 years after its adoption, and recognizing the positive contribution made by the Set and by Intergovernmental Group of Experts on Competition Law Policy to the promotion of competition culture,

*Noting* especially the changes which took place in the world economy, as well as the reforms that developing countries and countries in transition have made over the last three decades, including the liberalization of economies and the development of competition,

*Reaffirming* as well the resolutions on strengthening the implementation of the Set adopted by the previous five United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

*Taking note* of the decision taken by UNCTAD XII in paragraph 104 of the Accra Accord that “UNCTAD is the focal point on the work on competition policy and related consumer welfare within the United Nations system. It provides to its member States a forum for intergovernmental policy dialogue and consensus-building in the area of competition laws and policies. It should continue to carry out research and analysis in this area for, and/or in collaboration with, its member States and international networks on competition policy. UNCTAD should continue to be a forum to discuss competition issues on the multilateral level, with close linkages to existing networks of competition authorities, and to promote the use of competition law and policy as tools for achieving domestic and international competitiveness. UNCTAD’s work in this area should promote competition law regimes that take into account the prevailing conditions in the developing countries”,

1. *Takes note with appreciation* of the documentation prepared by the UNCTAD secretariat for the Conference: TD/RBP/CONF.7/2, TD/RBP/CONF.7/3, TD/RBP/CONF.7/4, TD/RBP/CONF.7/5, TD/RBP/CONF.7/6, TD/RBP/CONF.7/7, TD/RBP/CONF.7/8, UNCTAD/DITC/CLP/2010/1 Overview, and UNCTAD/DITC/CLP/2010/1;

2. *Takes note in particular* of the revised Model Law and its commentary as a very important guide to the economic development and competition approaches followed on various points by different countries. Recognizes the importance of the independence of decision-making in competition cases. It should be understood that the Model Law and its commentary do not affect the discretion of countries to choose policies considered appropriate for themselves, and that they should be periodically reviewed in the light of reforms and trends at the national and regional levels;

3. *Requests* the UNCTAD secretariat to revise periodically the commentary to the Model Law in the light of legislative developments and comments made by member States for consideration by future sessions of the Intergovernmental Group of Experts, and to disseminate widely the Model Law and its commentary as revised;

4. *Further requests* the UNCTAD secretariat – taking into account increased needs for technical cooperation and technical assistance for all developing countries, including small island developing States, landlocked developing countries and other structurally weak, vulnerable and small economies and countries in transition – to carry out, in consultation with other organizations and other providers so as to avoid duplication, 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 by:

- (a) Encouraging providers and recipients of technical cooperation to take into account the results of the substantive work done by UNCTAD in the above-mentioned areas in determining the focus of their cooperation activities;
- (b) Encouraging developing countries and countries in transition to identify specific competition law and policy areas and issues which they would wish to see receive priority attention in the implementation of technical cooperation activities;
- (c) Identifying common problems encountered in the competition law and policy area which might receive attention in regional and subregional seminars;
- (d) Enhancing cost-effectiveness, complementarity and collaboration among providers and recipients of technical cooperation, both in terms of the geographical focus of technical cooperation activities, taking into account the special needs of the least developed and other developing countries, and the nature of cooperation undertaken;
- (e) Preparing and executing national, regional and subregional projects on technical cooperation and training in the field of competition law and policy, taking special account of those countries or subregions which have not received such assistance so far, especially in the field of law drafting and staff training, and enforcement capacity;
- (f) Mobilizing resources and widening the search for potential donors for UNCTAD technical cooperation in this area;

5. *Calls upon* Governments to make efforts to increase the participation of experts/representatives – particularly from developing countries, least developed countries and countries in transition, including those countries which have not yet adopted competition policy or laws – in future sessions of the Intergovernmental Group of Experts, and in the Seventh Review Conference, if approved by the General Assembly;

6. *Urges* intergovernmental organizations and financing programmes and agencies to provide resources for the activities mentioned in paragraphs 4 and 5 above;

7. *Appeals* to States, in particular developed countries, to increase voluntary financial contributions and to provide necessary expertise for the implementation of the activities mentioned in paragraphs 4 and 5 above;

8. *Decides* 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;

(c) 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;

(d) Countries wishing to be peer reviewed at UNCTAD are encouraged to give advance notice to the secretariat so as to adequately prepare the peer review report and maximize the opportunities for exchange of views and experiences with other member countries. After an understanding is reached as to the timing of the peer review, a detailed agenda and timetable for the peer review should be disseminated by the secretariat at least one month in advance of the session of the Intergovernmental Group of Experts so as to permit delegations from all member States to participate in the informal consultations, and the likelihood of participation in the consultations by competition experts from all regions should be ascertained;

(e) A rigorous application of competition policy is a very important way of guaranteeing well-functioning markets, which in turn is a precondition for the efficient use of resources, economic development and social well-being. Competition policy thus impacts not only on the economic environment but also on the organization of society at large. It is in this way that competition policy serves the interests of consumers at large and ordinary citizens. However, as competition and consumer policy are extended into new areas such as emerging markets for the social services traditionally provided by governments, new research and consultations among member States on these issues need to be brought fully to bear on the appropriate design and institutional framework for their application;

9. *Invites* UNCTAD to convene between United Nations Review Conferences, two ad hoc expert group meetings on the interface between competition policy and consumer welfare;

10. *Calls upon* States to strive to implement all provisions of the Set to ensure its effective application;

11. *Decides* that, in the light of the strong worldwide trend towards the adoption or reform of competition laws and the development of national competition laws and policies over the period since the Set was adopted, the Intergovernmental Group of Experts should embark on an exercise, upon request from member States and in collaboration with national and regional competition law and policy authorities, to map out and further strengthen common ground among States in the area of competition law and policy in identifying anticompetitive practices that affect the economic development of countries. In this context, the focus of the exercise, inter alia, should be on:

(a) Identifying “common ground”, i.e. broad similarities in the approaches followed on different competition law and policy questions by governments;

(b) Shedding light and encouraging exchanges of views in those areas where the identification of “common ground” is more difficult – for example, where there are differences among economic theories, or among competition laws or policies, such as:

- (i) The role of competition law and policy in the strengthening and improvement of the economies of developing countries and countries in transition and, in particular, the development of the business community;
- (ii) The interface between competition law and policy, technological innovation and efficiency;
- (iii) The competition policy treatment of the exercise of intellectual property rights (IPRs) and of licences of IPRs or know-how;

(c) In-depth analysis of the effectiveness of enforcement of competition laws, including enforcement in cases of anticompetitive practices having effects in more than one country;

(d) Taking into account economic globalization and liberalization of the economies of developing countries and countries in transition, to identify appropriate measures to help those countries that might be hampered by anticompetitive practices;

12. *Invites* governments, during future consultations in meetings of the Intergovernmental Group of Experts, to clarify the scope or application of their competition laws and policies, with a view to improving mutual understanding about substantive principles and procedures of competition law and policy. In the context of this exercise, governments may wish to discuss:

(a) How the Set of Principles and Rules might be better implemented, particularly those provisions which have not been adequately implemented so far;

(b) Techniques and procedures for detecting and sanctioning collusive tendering, including international cartels and other anticompetitive practices;

(c) The strengthening of information exchange, consultations and cooperation in enforcement at the bilateral and regional levels, including subregional groupings;

(d) How competition laws and policy should apply to State activities such as regulation of State enterprises, State monopolies, natural monopolies and enterprises with exclusive rights granted by the State; and

(e) How the benefits of competition laws and policy could be enjoyed by all citizens;

13. *Affirms* the fundamental role of competition law and policy for sound economic development and recommends the continuation of the important and useful work programme within UNCTAD's 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;

14. *Further recommends* that the General Assembly convene a Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, to be held in Geneva, under UNCTAD auspices, in the year 2015.

*Closing plenary meeting  
12 November 2010*

## **II. President's summary**

### **A. Opening statements**

1. The following representatives made opening statements: the representative of the United States of America, the representative of the Republic of Korea, the representative of France, the representative of Armenia, the representative of China, the representative of Kenya, the representative of the European Union, the representative of Paraguay, the representative of Brazil, the representative of Morocco, the representative of Zimbabwe, the representative of the Russian Federation, the representative of India, the representative of Cameroon, the representative of Bhutan and the representative of Peru.

2. Opening statements related to the role of competition policy within the framework of other economic policies in times of economic crisis. There was a consensus that, in times of economic crisis, the role of competition as a driver of more efficient markets was even more important than usual. Several delegates explained that the recent global financial crisis was caused by a number of factors that did not include excessive competition law enforcement, and that competition policy and law was part of the solution and not part of the problem. Many delegates argued that, in times of economic crisis, governments had to strongly resist the pressure to relax competition law enforcement that could come from individual businesses or industry sectors.
3. One delegate stated that competition policy had performed a significant role during the time of economic and financial crisis by providing safeguards against anticompetitive practices, as governments put in place market stimulant packages. Such anticompetitive practices included cartels affecting public procurement and sectors used disproportionately by poor and disadvantaged groups, such as transport and health care.
4. Several delegates referred to the contribution that competition had made to poverty alleviation by reducing barriers to entry into markets which originated from government and private enterprise. Such barriers limited the development of local talents and efforts for local development.
5. There was a strong consensus among delegates that the competitive process was a significant contributor to economic development and several delegates expressed the view that it was critical for governments to consider the effects of intended legislation on competition during drafting and debate.
6. One delegate explained that, although his country was experiencing a prolonged and severe period of economic challenges, the benefits of applying competition law were recognized. The elimination of anticompetitive horizontal agreements in several markets, as well as the reduction of barriers to entry further markets, had produced tangible benefits to business and consumers.
7. A number of delegates concurred that it was essential that competition authorities prioritize their objectives and prepare strategies to ensure that their limited resources be applied to the conduct that was most harming their economies. One delegate explained how the prioritization of competition policy reflected economic and social objectives by focusing on anticompetitive conduct in the agriculture sector, infrastructure development, manufacturing of steel, cement, tyres and pharmaceuticals, use of government resources and in services consumed by “the common man”, including education, health, housing and banking.
8. Several delegates noted the importance of small and medium-sized enterprises (SMEs) and the informal sector to their economies. Several enquired what role competition policies could play to stimulate growth of SMEs. In that regard, it was noted that employment of protective mechanisms might not be in line with competition policies. Several delegates also raised the question of regulating the operations of multinational companies in the weakest and most vulnerable developing countries in order to protect them from unfair competition by those companies.
9. Concern was expressed about the ability of developing economies to protect themselves against anticompetitive practices originating in developed economies. One delegate noted that it was sometimes difficult to take account of the particular disadvantages being faced by local businesses and asked how that could be done in the context of a competition law. It was also noted that populations without the protection of a competition law would be at a disadvantage because in the global economy they have less protection against the effects of cross border anticompetitive practices.

10. Another delegate explained that the priority of his country's authority was equal application of competition law as between domestic and foreign companies and between private and State-owned enterprises.

11. There was a general consensus that international cooperation in competition policy and law enforcement should be given greater attention. Some delegates noted the roles of UNCTAD and other organizations such as the International Competition Network in promoting and facilitating networking between competition authorities with a view to encouraging closer cooperation and coordination on international cartel cases and mergers. One delegate recommended that there should be increased dialogue between developed and developing countries concerning competition issues.

12. Several delegates specifically noted the value of the United Nations Set as a platform for dialogue between developed and developing countries. There was a general consensus that the work of UNCTAD over the previous 30 years had assisted many countries in developing and implementing competition laws. Several delegates noted that their countries had not yet implemented a competition law and that assistance from UNCTAD, developed countries and competition networks would be needed to achieve that goal.

## **B. Summary of sessions**

13. Under the agenda of the Conference, three sessions were held, with each of the three sessions addressing, respectively (a) a cluster of issues relating to the implementation of competition law and policy; (b) a cluster of issues framed in the context of a review of the experience gained in the implementation of the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (UN Set), including voluntary peer reviews; and (c) a cluster of issues surrounding the role of competition policy in economic development. For each of the three sessions, panels were convened, background papers were presented by the UNCTAD secretariat and related discussions were held. Also under the Conference agenda, a session was convened for the voluntary peer review of competition law and policy in Armenia, as well as a round table on the foundations of agency effectiveness.

14. The present account of the Conference, prepared under the responsibility of the Chair, is a summary of the main points from the panel discussions including keynote speeches and presentations by panelists, floor interventions and written contributions.

### **1. Session I: Implementation of competition law and policy**

15. The keynote speakers and panelists for this session were from the Governments of Austria, Brazil, El Salvador, Italy, Tunisia, and Pakistan and distinguished academics from the United Kingdom and the Republic of Korea.

16. The session launched the discussion and publication of two background papers: "Appropriate sanctions and remedies" (TD/RBP/CONF.7/5), and "The use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries" (TD/RBP/CONF.4). Panel discussions and presentations which were framed in the context of each of the background papers and the main points of discussion are highlighted below.

#### *(a) Panel on appropriate sanctions and remedies*

17. It was noted that most regimes imposed administrative fines and injunctions to compel undertakings to stop anticompetitive conduct. In addition, some regimes provide for

an obligation to publish a summary of the competition authority's decision in national newspapers and some also imposed criminal penalties on both companies and individuals.

18. Decisions remained largely uncontested in certain countries until there was a significant increase in the fines that are imposed. For example, the decisions of the Korea Fair Trade Commission (KFTC) remained largely uncontested until the early twenty-first century, when the KFTC substantially increased its fines.

19. It was questioned whether the United States of America, as the oldest jurisdiction to maintain antitrust laws and incorporate civil as well as criminal sanctions, should be a transposable model for other competition regimes.

20. In assessing the deterrent effect of fines, it was noted that a high level of fines only had the desired impact on undertakings if the likelihood of detection was also high. In addition, the panellist said that fines should take into account the expected profits as opposed to actual benefits incurred. It was suggested that excessive discretion exercised by competition authorities determining the level of fines may be counterproductive and should be addressed by the development and implementation of guidelines to increase transparency and predictability.

21. There were risks associated with the inclusion of criminal sanctions in a competition regime, such as the potential to undermine the effectiveness of leniency programmes by, for example, opening a conflict of interest between the company applying for leniency and the individuals who may be subject to imprisonment.

22. It was also noted that different standards of proof in criminal and administrative proceedings could lead to difficulties in enforcement. This was illustrated by the recent case of Virgin/British Airways that highlighted the risk of relying too heavily on the information provided by the leniency applicant; the criminal trial was discontinued because the required standard of proof could not be met with only the evidence. Younger competition regimes should carefully balance the advantages and disadvantages of introducing criminal sanctions, which may prove more challenging to enforce.

23. There was no one-size-fits-all approach to determining the appropriate level of fines and sanctions. Instead, fines and sanctions should be tailored to the specific needs, context and stage of development of each country.

24. The need for detailed guidelines and appropriate criteria on adopting fines and sanctions was strongly emphasized.

25. There was a need to increase uniformity in the application of sanctions at regional and subregional levels to avoid relocation of firms to countries where enforcement of competition law is lax or non-existent. It was recommended to the Conference that an international discussion should be had in relation to the harmonization of the types and range of sanctions available.

(b) *Panel on judicial review of competition cases*

26. The judiciary was considered an important player in competition law enforcement.

27. There was a potential conflict of interest in jurisdictions in which the adjudicating authority both made initial decisions on competition cases and also reviewed their validity on appeal. That could compromise the due process of law and the separation of powers.

28. Public and private undertakings under investigation for alleged anticompetitive behaviour should be scrutinized with equal vigour by competition authorities.

29. Administrative appeals tended to have a suspensory effect on the sanctions imposed. That could be detrimental to the credibility of the decisions of the competition authority.



30. There was a need for competent judges to preside over competition cases. Judges reviewing competition decisions should have appropriate qualifications and competencies.

(c) *Panel on the use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries*

31. Leniency programmes had proven to be a powerful tool for cartel detection in well-established competition law regimes, whereas only a small number of younger competition law regimes from developing countries had adopted such programmes.

32. Necessary prerequisites for an efficient leniency programme included (a) predictability of procedures; (b) protection of leniency applicant identities during the investigatory phase, protection of their commercially sensitive data; and (c) high risk of cartel detection and punishment. With respect to the third condition, after the introduction of a leniency programme, investigators in Brazil focused their efforts on fighting cartels and increased the number of dawn raids and temporary imprisonment between 2003 and 2007.

33. The scope of the leniency regime in some jurisdictions extended to more than just horizontal agreements. For example, the scope of the Austrian leniency programme covered vertical agreements and non-secret agreements, as well as horizontal collusion. As to its conditions, it was explained that in Austria the threshold for immunity would be low: (a) the applicant needed to be the first to report the cartel; and (b) the competition authority must not have been aware of the anticompetitive practice before the application. No evidential threshold was foreseen under the Austrian leniency regime, although the applicant had to submit all evidence in its possession under its duty to cooperate. It was the introduction and advocacy of the leniency system that helped to establish a culture of competition in Austria.

34. Some developing countries did not have a leniency regime, but high fines and criminalizing cartelizing conduct were used as means of deterrence. In Zambia for example, there was no leniency regime, but cartels were punished by levying fines of up to \$2 million and by criminalizing cartelizing conduct. Given the potential application of criminal punishments, there was a need to adduce proof beyond a reasonable doubt to meet the criminal standard.

35. Unless the leniency programme was backed by serious deterrence and the necessary resources to investigate and prosecute companies engaged in cartel conduct, companies would not avail themselves of a leniency programme. However, it was noted that companies were highly incentivized to mitigate fines and as long as a leniency regime contained certain key aspects, companies would take advantage of the benefits of leniency.

36. The key aspects of a leniency regime were identified as (a) the clear identification of benefits; (b) granting of immunity from criminal prosecution to the applicants' employees; (c) the nature and extent of information the applicant had to provide; (d) procedures that were transparent and predictable; and (e) a track record that showed that other enterprises found the leniency programme predictable and beneficial.

37. There was a concern as to whether simultaneous application for leniency by two or more cartel participants could be addressed by the legislation. This was a point raised by both India and Tunisia. The response, delivered by consensus among Brazil, Austria and the European Union, was that a regime that granted full leniency to the first company and then via a system of pro-rated fine reductions to those that came later had proven to be a workable system.

38. It was agreed that there should be confidentiality in proceedings that led to the negotiation and ultimate achievement of a leniency agreement.

39. Companies understood that no immunity was afforded against actions for damages in a civil suit and companies understood that they would have to defend themselves against civil action if they undertook an application for leniency.

40. A number of countries, including Brazil, Pakistan and Austria, noted that the leniency programme was a feature of substantive legislative provisions in their countries and featured as part of the competition law or other complementary legislation. However, whatever legal framework was adopted to implement the regime, there was a need for wide-scale advocacy of the leniency regime.

41. The adoption of a leniency regime could help to lower the costs associated with investigating and enforcing against cartelizing conduct in developing countries.

**2. Session II: Review of the experience gained in the implementation of the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (UN Set), including voluntary peer reviews**

42. The keynote speaker and panellists for this session were from the Governments of Costa Rica and representatives from regional grouping in Africa (Southern Africa Development Community (SADC) secretariat) as well as academics in the United Kingdom and Portugal. There were contributors from the floor from El Salvador, Spain (TVDC), Ecuador, the Central American Court of Justice, and an academic from the Netherlands.

43. This session launched the discussion and publication of a background paper, "Assessment of the application and implementation of the set" (TD/RBP/CONF.7/2). Panel discussions and presentations which were framed in the context of each of the background papers and the main points of discussion are highlighted below.

*(a) Panel on modalities for facilitating voluntary consultations among member States and regional groupings, in line with Section F of the UN Set and a discussion on the role of networking in the exchange of non-confidential information in facilitating cooperation among competition agencies*

44. The keynote speaker from Costa Rica proposed modalities for the implementation of the voluntary consultations provided for in Section F (4) of the Set. The proposed modalities included a number of requirements for the application, the envisaged elements to be included in the response of the request and the possible extension of the UNCTAD secretariat's participation.

45. The very limited obligations on member States was emphasized, which was that they would merely "give full consideration to the request". Furthermore, the proposed modalities, if adopted by member States, would be optional. That meant that, even if the member States agreed to enter into consultations, they could choose or adopt different procedures. Finally, voluntary consultations were a cooperative mechanism, not a conflict resolution instrument. Thus, even if the State members agreed to enter into consultations, it was possible they could not find a mutually agreeable solution to the subject matter of the consultation.

46. Issues that needed to be addressed in order to find an effective way to implement the consultations under section F.4, either through the proposed modalities or through an alternative proceeding were stated to be (a) the limitation imposed by most systems to share confidential information; (b) that the institutions that needed to be involved from each State to participate in the consultations, including the notification formalities; and (c) the possible role of UNCTAD.

47. There were benefits of having a "default" set of procedural rules to implement the consultations pursuant to section F.4. The reasons referred to by delegates included (a) the

consultations would offer the State another mechanism for cooperation, in addition to formal and informal networks and technical assistance; (b) having such rules would provide predictability for the State members; and (c) UNCTAD could have a role in providing conference facilities, technical assistance and monitoring the agreements, if requested by the parties. Several delegates said that the participation of UNCTAD as an impartial third party would add value to the mechanism and help to legitimize the participation of the States in the consultations before the stakeholders in their own country.

48. There were ongoing efforts towards building formal and informal networks to promote cooperation among agencies. However, while significant progress was being made by those types of networks, there were still important challenges, for example, limits imposed in the exchange of confidential information. In that regard, there was an insistence on the importance of protecting confidentiality of information to be shared with other competition authorities. Exchanges should focus on non-confidential information and experience. It was emphasized that exchange of information should only take place in line with the respective national legislation; and in the absence of existing domestic rules or necessary regional guarantees, it would be premature to exchange confidential information. It was highlighted that more advanced jurisdictions were at the stage of exchanging confidential information under specific circumstances and there was a call for further discussion to explore the modalities of establishing a framework on this matter.

49. With the exception of the International Competition Network (ICN), most cooperative efforts were organized at a regional level. It was noted that informal networks were highly effective and complemented formal networks. Examples were provided of networks at the regional level in Latin America, Europe and Africa. Other delegates highlighted the existence of some interregional cooperation agreements (such as the Caribbean Forum (CARIFORUM)) and called for the development of more such initiatives. The potential of these networks and forums to work towards convergence of policies and laws, and the possibility of building multinational agencies was noted.

50. There was a general consensus that international and regional cooperation, both formal and informal, was an important tool for developing trust between competition authorities and streamlining procedural and substantive standards.

(b) *Panel on the evaluating of the experience gained in the implementation of the United Nations Set, including voluntary peer review*

51. The countries which had undergone the voluntary peer review by UNCTAD over the previous five years shared their experiences in the implementation of the Peer Review recommendations. The Peer Review experiences were shared by Jamaica, Kenya, the West African Economic and Monetary Union (WAEMU), Costa Rica, Tunisia and Indonesia. An account of the presentations by the representative delegates follows.

(a) All the speakers praised the Peer Review process as an appropriate forum to share their own experiences and also to hear the experiences of other member States in the enforcement of competition laws;

(b) The enhancement of compliance with the provisions of the law was attributed to the peer review process. The speakers noted that the objectives of their competition laws were followed more closely after the Peer Review experience and also that the technical capacity of their agencies were enhanced, after weaknesses were identified in their structures;

(c) Peer Reviews gave rise to the strengthened cooperation with other government bodies which allowed competition agencies to improve their enforcement capabilities;

(d) Jamaica highlighted the importance of sharing the results of the Peer Review with other members of the Caribbean Community (CARICOM) regional grouping with the aim of enhancing their competition enforcement capabilities;

(e) Tunisia pointed out that the Peer Review helped Tunisia's competition regime to be closer to the European Union (EU) system, enhanced cooperation with France in the training of a new generation of experts in competition policy and led to the signing of an agreement with UNCTAD to open a training centre on competition policy for the Middle East and North Africa;

(f) As a result of positive results in the implementations of the Peer Review recommendations, Kenya's competition bill, for example, was finally enacted into law by the Kenyan Parliament on 10 November 2010, as the Sixth United Nations Review Conference was in progress. The new Competition Act addressed all the issues raised in the Peer Review report. Tunisia had also amended its competition law to meet international standards based on the recommendations of the Peer Review;

(g) Indonesia reported that the Peer Review recommendations had led to the adoption of a merger control regulation in July 2010 and the preparation of implementation guidelines by the competition agency KPPU. In addition, further guidelines on cartels, vertical arrangements and abuse of dominance were also prepared by KPPU;

(h) WAEMU discussed the unique Peer Review of the regional grouping and its member States, and stressed the importance of the process in steering the institutional reforms in both regional and national competition regimes;

(i) Costa Rica gave an example of the enhancement of telecommunications regulation and enhancement of the competition agency's role as a consultant to the Government on competition matters. The speaker further requested UNCTAD to compile a report on the experiences gained during the implementation of Peer Review recommendations, including challenges encountered, and share it with member States;

(j) One of the main outcomes of the Peer Reviews was capacity-building projects derived from the recommendation by the peers. Though there had been challenges, overall, the projects assisted the concerned countries in deepening competition principals through advocacy and other project activities;

### **3. Session III: The role of competition policy in promoting economic development**

52. The keynote speakers and panellists for this session were from the Governments of the Dominican Republic, India, South Africa, Switzerland, United States of America and Zimbabwe. Others were from the European Union, academia from the United States of America and the Republic of Korea, and a representative from the CUTS International, a non-governmental organization.

53. This session launched the discussion and publication of two background papers, "The role of competition policy in promoting economic development: The appropriate design and effectiveness of competition law and policy" (TD/RBP/CONF.7/3). Panel discussions and presentations which were framed in the context of each of the background papers and the main points of discussion are highlighted below.

(a) *Panel on evaluating the effectiveness of competition law in the promotion of economic development*

54. Competition policy is a process that leads to, or at least has contributed towards, economic development and economic development should include sustainable increases in general living standards.

55. The panellist from the Republic of Korea noted that the development of competition law and policy in the Republic of Korea was linked to the macroeconomic environment throughout the phases of development. A key government decision was taken to transform the economy to private sector dominance. One of the areas of success in Republic of Korea competition law enforcement was the focus on bid-rigging in the construction industry, particularly in respect of government contracts.

56. In the experience of the Republic of Korea, there was wide consensus that effective competition and enforcement of competition policy were helpful for economic recovery from the economic crisis. The Korea Fair Trade Commission (KFTC) reinvigorated antitrust enforcement at a time of the recent economic crisis, contributing to the nation's early economic recovery. Upon recovery from the crisis, more efforts were needed to curb anticompetitive acts for effective market function.

57. Coordination between competition and other economic policies – for example, trade, industrial, intellectual property and investment policies, among others – was unavoidable and desirable for economic development to take place.

58. A study on the socio-economic impact of the implementation of competition policy and law in Zimbabwe undertaken in 2008 showed that conditions imposed by the Commission on the approval of mergers (a) produced immense benefits to the national economy, including employment creation and/or retention; (b) increased export earnings; (c) promoted availability of goods and services on the local market; (d) increased indigenization or localization of control of economic activities; and (e) promoted foreign direct investment.

(b) *Panel on the appropriate design and enforcement of competition law and policy in countries at different stages of market development*

59. The design of competition law could be divided into two distinct areas: institutional and substantive. Regarding substantive design of competition law and policy, economic development and competition law were sometimes seen as separate processes that needed to be integrated.

60. Developing countries were encouraged to tailor their competition laws to their local conditions, and at the same time learn from the experiences and best practices from more advanced jurisdictions. They were also encouraged to share their experiences with each other to assist countries that were in the process of developing competition law regimes. The experience of UNCTAD in dealing with specific needs of developing countries was identified as an additional avenue for developing countries to seek guidance when designing their competition laws and policies.

61. Competition law and policy should not be isolated from other macroeconomic policies. Governments needed to balance industrial promotion and consumer policy, and the competition authorities needed to coordinate their activities with other government departments, and to prioritize cases that had a direct impact on poverty eradication.

62. Countries were encouraged to have clear competition objectives, as that would facilitate compliance and help competition authorities gain support from the government and business community. It was essential that competition policies be coordinated within national policies that focused on growth, investment, stability and employment. Structural, technological, legal and bureaucratic procedures all impeded competition policies.

63. Efforts to develop voluntary compliance should go hand in hand with competition law enforcement. The role of advocacy and education in the business, political and academic community needed to be enhanced. Information should be simple, predictable and accessible for all users.

64. Developing countries needed to identify what type of anticompetitive practices they wished to target. With regard to cartels, exemptions should not be overlooked and should be applied in certain circumstances. Caution needed to be taken regarding dominance. To prevent its abuse, developing countries should take their time in developing a response to this practice, as merger control regulations were very costly to implement and this area of regulation should be enforced only after the successful enforcement of other provisions.

(c) *Panel on the role of competition advocacy, merger control and the effective enforcement of law in times of economic trouble*

65. Competition law should not be relaxed during times of economic troubles; competition regimes should have the capacity to cater for the additional pressures brought about by a recession.

66. Advocacy was essential to send governments in the right direction. Competition authorities should be the “firemen” of the economic policy during times of recession.

67. There was a need for coordination between competition authorities and different stakeholders such as government bodies or private companies.

68. In times of crisis, benefits of competition policy were put to the test. The experience of the European Commission (the “Commission”) had shown that competition policy was a tool to overcome the effects of economic crisis and had not undermined the principle that competition bred competitiveness. The link between competition policy and economic growth was particularly important in times of crisis, as it stimulated innovation, allowed for efficient allocation of resources, and offered a wider choice of products and services.

69. One important challenge was the application of State aid. State aid could have positive market correcting benefits at early stages of a crisis but also negative impact by distorting competition. In response to the crisis, the Commission reacted by adopting a temporary State aid framework.

70. The Commission noted that there had been a reduction in the number of merger cases, but not in their complexity. The Commission maintained an effective scrutiny on mergers, while allowing for more flexibility on procedural matters. Another challenge in relation to mergers during the crisis was the difficulty to have reliable data for assessing the merger as regards future market developments due to the uncertainty, instability and rapid evolution in some markets.

71. Competition could promote long-term recovery by allowing more efficient firms to take over the function of poor performers. Protecting failing firms had short-term appeal, but it only prolonged the crisis. The economic crisis presented a golden opportunity for firms that did not want to compete on price and innovation to call for relaxation of competition rules. However, substantive standards that promoted economic efficiency should apply equally in hard times.

72. Anticompetitive legislation imposed in haste could take many years to remove. Competition agencies were often the only voices within government with interest and expertise in preserving competition. Competition agencies had a key role to play in resisting anticompetitive regulation by advocating for policies that benefit consumers and against those that restrict competition.

#### **4. Voluntary peer review on competition law and policy of Armenia**

73. The voluntary peer review of competition law and policy in Armenia was chaired by Mr. Bruno Lasserre, President of the French Competition Authority. The peer reviewers were Mr. Markus Lange, Head of the International Relations Department of the German Competition Authority; Mr. Jozsef Sarai, Head of the International Relations Department of

the Hungarian Competition Authority; Ms. Anna Maria Tri Anggraini, Vice-Chair of the Indonesian Competition Authority; and Mr. Andrey Tsyganov, Deputy Head of the Russian Federation Competition Authority. The Armenian delegation was co-headed by Mr. Nerses Yeritsyan, Minister of Economy of the Republic of Armenia, and Mr. Artak Shaboyan, Chair of the State Commission for the Protection of Economic Competition of the Republic of Armenia. It comprised staff members of the State Commission for the Protection of Economic Competition (SCPEC), the Ministry of Economy as well as representatives from the administrative court.

74. After introductory remarks by the Secretary-General, the first session of the peer review started with a presentation of the main findings of the report “Voluntary peer review of competition policy: Armenia” (UNCTAD/DITC/CLP/2010/1) by Mr. William Kovacic (United States) and Mr. David Lewis (South Africa), consultants for UNCTAD. The presentation covered (a) the foundations and history of competition policy in Armenia, including the historical, political and economic context; (b) the legal framework; (c) institutional aspects of competition law enforcement in Armenia, including possible adjustments to competition policy enforcement structures and practices; and (d) the main findings and recommendations.

75. The consultants emphasized two fundamental facts of Armenia’s political and economic life, which had a direct and powerful impact on the country’s competition law and policy: (a) Armenia’s status as an economy in transition that was until recently a centrally planned economy within the Soviet Union; and (b) the geopolitical situation in the South Caucasus. Those factors would be reflected in the structure and performance of the Armenian economy, Armenia’s ability to trade with rest of world and distortions of its trading patterns, an interpenetration of private economic property relations and public life and institutions, the size of the so-called “shadow economy” and the size and the loyalty of the Armenian Diaspora. The presenters also gave a short overview on Armenia’s post-Soviet transition towards a market economy. Regarding the present economic and political situation, it was pointed out that important markets in Armenia were characterized by high levels of concentration, which were also influenced by limited points of entry and exit for traded goods. Particular emphasis was given to the phenomenon of the so-called “shadow economy”, which consisted of a significant underreporting of trade and sales volumes by formal market players in order to evade taxes and import duties. This underreporting led to an important underestimation of the entire size of Armenia’s economy, and gave dominant incumbents a strong competitive advantage over potential new entrants and thereby deterred new entry.

76. With respect to the establishment of the Armenian competition law system, the consultants reported that “free economic competition” was constitutionally guaranteed in Armenia and that the Armenian criminal code sanctioned certain forms of anticompetitive conduct. In 2000, the Law of the Republic of Armenia on Protection of Economic Competition was passed and, in 2001, SCPEC was established. The consultants reported that Armenian competition law covered (a) anticompetitive horizontal and vertical agreements; (b) the abuse of dominance/monopolistic practices; (c) concentration (mergers); (d) unfair competition; and (e) State aid. It further set out SCPEC’s objectives and functions, its powers and its composition, as well as possible sanctions and remedies for competition law breaches.

77. The presenters highlighted several areas for improving the legislative framework, i.e. the formulation of the prohibition of anticompetitive agreements, the definition of dominance, the obligation to maintain a register for dominant companies, revision of the merger control regime and State aid provisions. The most important deficiency of the current legislative framework related to the investigation powers of SCPEC, which were clearly judged as insufficient to perform SCPEC’s functions. In that context, it was also

emphasized that the budgetary situation of SCPEC was disastrous and needed significant improvement. The presentation was terminated by an explanation of the main recommendations addressed to the legislature, to the Armenian Government and to the SCPEC.

78. In his observation on the peer review report, the Armenian Minister for the Economy emphasized that competition law and policy needed to be assessed in the context of broader reforms in Armenia. He pointed out that the recent economic crisis had shown the strengths and weaknesses of the Armenian economy and the need for a number of reforms, including many concerning competition law and policy. It was further emphasized that the role of the State in the Armenian economy was very limited. Approximately 80 per cent of the country's businesses were privately owned and employment by private firms also amounted to 80 per cent. The Minister highlighted that Armenia had already started legislative reforms of its competition law regime with support from the World Bank. Consequently, some of the recommendations of the peer review report would soon be implemented.

79. The comments by the Minister were followed by observations by the Chair of the competition authority, who reported that SCPEC had recently elaborated a comprehensive three-year strategy paper. In addition to strategic goals, this paper would set out a timetable for specified activities and resources that were needed for their implementation. Importantly, the Government had already approved the legislative amendments that were necessary in order to implement the recommendations by the peer review report and currently, the proposals were presented to the Armenian Parliament.

80. These observations by the Armenian delegation were followed by a question-and-answer session. Questions raised by panellists broadly fell into the following categories: (a) questions relating to the economic and political context of Armenia's competition law regime; (b) questions relating to specific aspects of Armenia's competition law system; (c) questions relating to powers of SCPEC; (d) questions relating to the national and international cooperation of SCPEC; and (e) questions relating to overall strategy and achievements of SCPEC.

81. Armenia was given the opportunity to ask specific questions of other competition authorities, with a view to benefit from the experience of other countries. Armenia posed a question on how its competition authority could measure its performance and effectiveness. The suggestion was made that Armenia could consider articulating a strategy that expressed SCPEC's goals and which clearly engaged in public debate and addressed the soundness of the competition authority's programme. A specific mechanism could be put in place to measure effects of the authority, for example, by keeping careful track of what each project was expected to accomplish, and by working with the university community, non-government advisors and think tanks to measure effects. Finally, a suggestion was made to trace, over time, how specific initiatives helped Armenia attract more foreign investment.

82. In the third session, the UNCTAD secretariat presented a technical assistance project to address the report's findings and recommendations. The proposed activities were designed to complement the existing cooperative efforts between Armenia and other international organizations that currently supported Armenia's competition regime including the German Organization for Technical Cooperation (GTZ), the Organization for Security and Cooperation with Europe (OSCE) and the World Bank. The secretariat noted Armenia's strategic plan for the next three years to (a) amend its legislation; (b) engage in capacity-building and advocacy of its competition law and policy; (c) encourage efforts of resource management; and (d) seek out modalities for international cooperation.

83. The floor was given to Armenia's current development partners, who also outlined their future role as regards technical support. GTZ noted that Germany had an interest in



cooperating with Armenia as it was Armenia's biggest trading partner amongst EU member States. GTZ would prioritize capacity-building, advocacy and training of experts; and would engage in efforts to increase the number of experts in SCPEC. OSCE noted that it would continue to be involved in the promotion of the rule of law and the promotion of programmes to build the competence of judges. It also noted that the link between the rule of law and fair competition could not be overstated. A memorandum of understanding had been signed recently, which finalized the mechanisms by which support would be provided to SCPEC. SCPEC would be given a system to measure the effectiveness of its enforcement measures.

84. A consultant engaged by the World Bank noted that the Bank's work in this area started with a general report in the middle of 2009 which assessed the economic circumstances in Armenia. The Bank's efforts would be focused on refining legislation and guidelines that were most likely to work in Armenian economic and social environment.

## **5. Round table discussion on the foundations of agency effectiveness**

85. The keynote speaker and panellists for the session were from the Governments of Chile, Egypt, the United States of America and comprised as well former heads of competition law institutions from El Salvador, Pakistan and South Africa.

86. Good policy was considered key for attaining quality competition institutions. New competition authorities were often faced with inhospitable conditions to competition policy.

87. Consumers, the key beneficiaries of competition law and policies, were a disparate group and did not have a voice. However, those who were disadvantaged by competition law and policy (such as strong businesses) tended to be organized and enjoyed strong connections with government. The solution was to gain the respect of private enterprises through fairness, the provision of professional services and transparency. To counter vested interests of governments, competition authorities should do their best to emphasize that competition values were in line with government policy.

88. There were many challenges to establishing a new competition authority, particularly in relation to staffing, as governments were often reluctant to grant authorities the capacity to offer competitive salaries. A solution to this was to obtain funding from external donors, which could garner the respect of the Government. To counter a lack of political will to provide resources, competition authorities should be an integral part of the governmental machinery that implemented economic policy so that it could lobby effectively. An early powerful decision would also have a strong impact on the public profile of a competition authority.

89. Young competition authorities should seek assistance from international organizations and their counterparts in other countries. For young authorities, cooperation, particularly on a regional level, was considered vital. They should also maximize the use of informal interactions with competition authorities from other countries.

## **6. Consultations on the revised version of the Model Law on Competition**

90. The UNCTAD secretariat presented the revised version of the Model Law on Competition. At its tenth session in 2009, the Intergovernmental Group of Experts on Competition Law and Policy (IGE) had requested the UNCTAD secretariat to prepare a revised and updated version of the Model Law on Competition and to redesign the format of its presentations and updates. Accordingly, the UNCTAD secretariat prepared the revised version of the Model Law on Competition on the basis of written contributions received by member States in 2010, which were complemented by research carried out by the UNCTAD secretariat with support from academia and practitioners.

91. The redesigned format of the presentation of the Model Law on Competition and its updates comprised a copy of the 2007 version of the Model Law on Competition (TD/B/RBP/CONF.5/7/Rev.3) combined with a loose-leaf collection that presented chapter-by-chapter commentaries on respective provisions of the Model Law on Competition. This design of the Model Law 2010 had been made more “reader-friendly” in that an introduction to each chapter of the Model Law on Competition summarized in a systematic way the main findings that could be drawn from the various country examples. The introduction was followed by country overview tables which provided an overview of alternative approaches in existing legislation around the world. This new design of the Model Law allowed for an efficient update of the commentaries on a chapter-by-chapter basis.

92. In view of making best use of its own resources and of those of member States, the UNCTAD secretariat suggested taking the substantive issues for discussion at the eleventh session of the IGE into account for determining which chapters should be further updated for this meeting. Given that the draft agenda for the next session of the IGE 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.

### III. Organizational matters

#### A. Opening of the Conference

(Agenda item 1)

93. 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 was opened on 8 November 2010 by Mr. Nurettin Kaldirimci, President of the Competition Authority (Turkey).

#### B. Election of the President and other officers

(Agenda item 2)

94. At its opening plenary meeting, the Conference elected Mr. Thula Kaira (Zambia) President of 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.

95. The Conference elected five vice-presidents and a Rapporteur to serve on the Bureau of the Conference at its sixth session. Accordingly, the elected Bureau was as follows:

<b>President:</b>	Mr. Thula Kaira (Zambia)
<b>Vice-presidents:</b>	Mr. Dhanendra Kumar (India)
	Mr. Humberto Guzman (Nicaragua)
	Mr. Abdelali Benamour (Morocco)
	Mr. Theodor Thanner (Austria)
	Mr. Andrey Tsyganov (Russian Federation)
<b>Rapporteur:</b>	Mr. Russell Damtoft (United States of America)

96. Following established practice, the Conference agreed that the regional coordinators would be fully associated with the work of the Bureau of the Conference.

97. The Conference also agreed that the Bureau would assume the functions of a Credentials Committee and would report to the Conference accordingly.

**C. Adoption of the rules of procedure**

(Agenda item 3)

98. Also at its opening plenary meeting, the Conference adopted the rules of procedure for the session contained in TD/RBP/CONF.7/9.

**D. Adoption of the agenda and organisation of the work of the Conference**

(Agenda item 4)

99. Also at its opening plenary meeting, the Conference adopted the provisional agenda for the session contained in TD/RBP/CONF.7/1. The agenda was thus as follows:

1. Opening of the Conference
2. Election of the President and other officers
3. Adoption of the rules of procedure
4. Adoption of the agenda and organization of work of the Conference
5. Credentials of the representatives to the Conference:
  - (a) Appointment of a Credentials Committee
  - (b) Report of the Credentials Committee
6. Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:
  - (a) Review of application and implementation of the Set
  - (b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of Restrictive Business Practices
7. Other business
8. Adoption of the report of the Conference

**E. Provisional agenda for the eleventh session of the Intergovernmental Group of Experts on Competition Law and Policy**

(Agenda item 7)

100. At its closing plenary meeting, on Friday, 12 November 2010, the Conference adopted the provisional agenda for its eleventh session (see annex I).

**F. Adoption of the report of the Conference**

(Agenda item 6)

101. At the same meeting, the Conference authorized the Rapporteur to finalize the report on its sixth session.

## Annex I

### **Provisional agenda for the eleventh session of the Intergovernmental Group of Experts on Competition Law and Policy**

**11–13 July 2011**

**Palais des Nations Geneva**

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
  - (i) Foundations of an effective competition agency
  - (ii) The importance of coherence between competition and government policies
  - (iii) Peer review of Serbian competition law and policy
  - (iv) Review of the experience gained so far in enforcement cooperation, including at the regional level
- (b) Work programme, including capacity-building and technical assistance on competition law and policy
4. Provisional agenda for the twelfth session of the Intergovernmental Group of Experts on Competition Law and Policy
5. Adoption of the report of the Intergovernmental Group of Experts

## Annex II

### Attendance\*

1. Representatives of the following States members attended the Conference:

Angola	India
Armenia	Indonesia
Austria	Iran, Islamic Republic of
Bahrain	Iraq
Belarus	Italy
Belgium	Jamaica
Belize	Japan
Benin	Jordan
Bhutan	Kenya
Bolivia, Plurinational State of	Kuwait
Bosnia and Herzegovina	Luxembourg
Botswana	Madagascar
Brazil	Malaysia
Brunei	Mali
Bulgaria	Mauritius
Burkina Faso	Mexico
Cambodia	Morocco
Cameroon	Mozambique
Central African Republic	Namibia
Chad	Nepal
Chile	Netherlands
China	Nicaragua
Colombia	Niger
Congo	Nigeria
Costa Rica	Oman
Côte d'Ivoire	Pakistan
Democratic Republic of the Congo	Paraguay
Dominican Republic	Peru
Ecuador	Philippines
Egypt	Poland
El Salvador	Portugal
France	Republic of Korea
Gabon	Romania
Gambia	Russian Federation
Germany	Rwanda
Greece	Saint Lucia
Ghana	Saudi Arabia
Guatemala	Senegal
Guinea-Bissau	Serbia
Haiti	Singapore
Honduras	South Africa
Hungary	Spain

\* For the list of participants, see TD/RBP/Conf.7/INF.3.

Sudan	Uganda
Swaziland	Ukraine
Sweden	United Kingdom of Great Britain and Northern Ireland
Switzerland	United Republic of Tanzania
Syrian Arab Republic	United States of America
Thailand	Viet Nam
Timor-Leste	Zambia
Togo	Zimbabwe
Tunisia	
Turkey	

2. The following intergovernmental organizations were represented at the Conference:

African Union  
 Caribbean Community (CARICOM)  
 Central American Court of Justice  
 Common Market for Eastern and Southern Africa (COMESA)  
 European Union  
 Latin American Economic System  
 Organization for Economic Cooperation and Development  
 Organization for Security and Cooperation in Europe  
 Southern African Development Community  
 South Center  
 West African Economic and Monetary Union

3. The following United Nations organizations attended the Conference:

International Trade Centre  
 United Nations Environment Programme

4. The following specialized agencies attended the Conference:

World Intellectual Property Organization

5. The following non-governmental organizations were represented at the Conference:

*General Category*

Ingénieurs du monde

*Register*

Al-Hakim Foundation  
 Consumer Unity and Trust Society

6. The following panellists gave their contributions to the Conference:

**Monday, 8 November 2010**

Mr. William **Kovacic**, Commissioner, United States Federal Trade Commission  
 Mr. Ho-Yul **Chung**, Chair, Korea Fair Trade Commission  
 M. Bruno **Lasserre**, Président de l'Autorité de la Concurrence, France  
 Mr. Nerses **Yeritsyan**, Minister of Economy of the Republic of Armenia  
 Mr. **Chong** Quan, Vice Minister, Deputy China International Trade Representative,  
 Ministry of Commerce  
 Mr. Chirau Ali **Mwakwere**, Minister of Trade, Kenya  
 Mr. Guus **Houttuin**, Head of the Liaison Office in Geneva, General Secretariat of  
 the Council of the European Union  
 Sr. Agustin **Perdomo Ortiz**, Viceministro Ministro de Industria y Comercio,  
 Paraguay

Mr. Fernando **de Magalhães Furlan**, Board Member, Brazilian Council for Economic Defence  
 M. Abdelali **Benamour**, Président du Conseil de la Concurrence, Maroc  
 Mr. Welshman **Ncube**, Honourable Professor, Ministry of Industry and Commerce, Zimbabwe  
 Mr. Andrey G. **Tsyganov**, Deputy Head of the Federal Antimonopoly Service of the Russian Federation  
 Mr. Dhanendra **Kumar**, Chairman, Competition Commission, India  
 M. Léopold Noel **Boumsong**, Chef de la Division des affaires juridiques, Président de la Commission nationale de la concurrence, Ministère du commerce, Cameroun  
 Mr. Sonam **Tshering**, Secretary, Ministry of Economic Affairs, Bhutan  
 Sr. Elmer **Schialer**, Ministro Consejero Misión Permanente del Perú  
 Mr. Christopher **Bellamy**, United Kingdom  
 Mr. Alberto **Heimler**, Director, Autorità Garante della Concorrenza e del Mercato, Rome  
 Mr. Hwang **Lee**, Korea University School of Law  
 M. Mohamed **Kolsi**, Président du Conseil de la Concurrence, Tunisie

#### **Tuesday, 9 November 2010**

Mr. Fernando **de Magalhães Furlan**, Board Member, Brazilian Council for Economic Defence  
 Mr. Joseph **Wilson**, Commissioner, Competition Commission, Pakistan  
 Mr. Theodor **Thanner**, Director-General, Austrian Federal Competition Authority, Austria  
 Mr. Thulasoni Gilbert **Kaira**, Executive Director, Competition Commission, Zambia  
 Mr. David **Anderson**, Partner, Berwin Leighton Paisner LLP, Belgium  
 Mr. Bruno **Lasserre**, Président de l'Autorité de la Concurrence, France  
 Mr. Nerses **Yeritsyan**, Minister of Economy of the Republic of Armenia  
 Mr. Artak **Shaboyan**, Chairman of the State Commission for the Protection of Competition of the Republic of Armenia  
 Mr. Makus **Lange**, Head of International Relations Department, Federal Cartel Office, Germany  
 Mr. Jozsef **Sarai**, Head of International Relations Unit, Hungarian Competition Authority, Hungary  
 Ms. Anna Maria **Tri Anggraini**, Vice Chair, Commission for the Supervision of Business Competition, Indonesia  
 Mr. Andrey G. **Tsyganov**, Deputy Head of the Federal Antimonopoly Service of the Russian Federation  
 Mr. William **Kovacic**, Commissioner, United States Federal Trade Commission, United States of America  
 Mr. David **Lewis**, Gordon Institute of Business Science, South Africa

#### **Wednesday, 10 November 2010**

Mr. David J. **Gerber**, Chicago–Kent College of Law, United States of America  
 Mr. Shan **Ramburuth**, Commissioner, Competition Commission, South Africa  
 Ms. Anina **Del Castillo**, Vice-Ministra, Ministerio de Industria y Comercio Dominican Republic  
 Mr. Chui -Ho **Ji**, Director General, Korea Fair Trade Commission, Republic of Korea  
 Mr. Walter **Stoffel**, Professor, University of Fribourg, Department of International Law and Company Law Switzerland  
 Mr. Alex **Kububa**, Director, Competition and Tariff Commission, Zimbabwe

Mr. Pradeep **Singh Mehta**, **Consumer Unity and Trust Society (CUTS)**,  
**Secretary** General, India  
Mr. William **Kovacic**, Commissioner, United States Federal Trade Commission,  
United States of America  
Mr. Felipe **Irrarrázabal**, Head of Fiscal Nacional Económico, Chile  
Mr. Khalid **Mirza**, Pakistan  
Ms. Heba **Shahein**, Consultant to the Chairperson, Head of International Relations  
Department, Egyptian Competition Authority  
Mr. David **Lewis**, Gordon Institute of Business Science, South Africa  
Ms. Celina **Escolan**, El Salvador  
Mr. Russell **Damtoft**, Associate Director, Office of International Affairs, Federal  
Trade Commission, United States of America  
Mr. Kaushal Kumar **Sharma**, Chairman, Competition Commission of India  
Mr. Sam **Pieters**, International Relations Officer, European Commission

**Thursday, 11 November 2010**

Mr. Edgar **Odio**, Competition Commissioner, Costa Rica  
Mr. Ioannis **Lianos** University College London, United Kingdom  
Mr. Abel **Mateus**, New University of Lisbon, Portugal  
Mr. Gladmore **Mamhare**. SADC secretariat  
Mr. Firat **Cengiz** Tilburg Law School, the Netherlands  
Mr. Juan Luis **Crucelegui**. Vice-President of the Vasque Competition Tribunal,  
Spain  
Mr. Amadou **Dieng**, WAEMU secretariat  
Mr. Alejandro **Gómez**, President of the Central American Court of Justice  
Mr. Fausto **Alvarado**, Deputy Secretary for Competition, Ecuador  
  
Ms. Anna Maria **Tri Anggraini**, Vice Chair, Commission for the Supervision of  
Business Competition, Indonesia  
Mr. David **Miller**, Executive Director, Fair Trading Commission, Jamaica  
Mrs. Beldine **Omolo**, Chief Monopolies & Prices Officer, Ministry of Finance,  
Kenya  
M. Khalifa **Tounakti**, Directeur général de la concurrence et des recherches  
économiques, Ministère du Commerce et de l'artisanat  
Mr. Amadou **Dieng**, Directeur de la Concurrence WAEMU

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