

VOLUNTARY PEER REVIEWS ON COMPETITION LAW AND POLICY

FOSTERING ECONOMIC EFFICIENCY

GLOBAL CONTEXT

Competition is fundamental to the success of any market economy. It stimulates a country's attractiveness as a business location and can foster economic efficiency, increased productivity, innovation and economic growth. Competition can also result in lower prices and a wider range of and improved products, which in turn can benefit consumers by protecting their welfare. Many developing countries have realized that the potential of trade can diminish in the face of anti-competitive business practices that discourage competition. Such practices should not impede or negate the development benefits that trade and investment openness can bring to developing countries. Many developing economy markets are also relatively small and undiversified, augmenting the risks of abuse of a dominant position or oligopolistic behaviour. It is thus important for all countries to evaluate and, if necessary, improve the effectiveness of their competition policy enforcement frameworks.

UNCTAD supports developing countries through a process for voluntarily undertaking peer reviews on competition law and policy. UNCTAD's unique development perspective and experience in working with competition authorities in developing countries, as well as on competition policy worldwide, serve as a guarantee that the voluntary peer review process focuses on fostering competitiveness and takes into account the development needs of countries.

HOW CAN A VOLUNTARY REVIEW BY PEERS HELP?

UNCTAD Voluntary Peer Reviews on Competition Law and Policy allow developing countries to benchmark their performance against international best practices. The Reviews are conducted using an interactive peer review method that promotes knowledge-sharing between competition authorities at the regional and international levels, enhances informal cooperation networks and encourages South–South cooperation.

The peer reviews identify major procedural, administrative and legislative changes that might be necessary for the optimum functioning of the competition authority and the law. They give insights into country-specific constraints, including political economic problems which have a bearing on the legitimacy of the competition law. The Reviews serve as a basis for peer review examination during the annual meeting of the UNCTAD Intergovernmental Group of Experts.

PROGRAMME FACTS AND FIGURES

Competition law and policy
programme scope: all regions

Programme start date: 2005

Reviews per year: 2 to 3 (2, from 2016)

Number of Reviews to date:
18 (22 countries covered)

Upcoming Review: Peru

Programme website:
unctad.org/competition/peer-reviews



RESULTS AND IMPACT AT A GLANCE

- Global competitiveness assessments carried out annually by the World Economic Forum show that competition climates have improved in 10 countries following their peer review processes, facilitated by UNCTAD – an indication of UNCTAD contributions to competition law and policy.
- Peer Review reports were used in amending legislations (at the level of draft laws), for advocacy and in establishing a new training agenda for staff. Based on a 2013 independent evaluation of the UNCTAD programme, the proportion of recommendations adopted ranges from 10 to 85 per cent, with an average of 40 to 45 per cent. Competition authorities have been better equipped with high quality analysis capacities to assess their competition.



DONORS/ FUNDING SOURCE

Current and past:
Norway, Spain, Sweden, Switzerland,
the United Kingdom, European Union
(for West African Economic
and Monetary Union)

