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Trade and Development Board
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Intergovernmental Group of Experts on Competition Law and Policy
Twelfth session
Geneva, 9–11 July 2012
Item 3 of the provisional agenda

- (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**

Agreed conclusions of the Intergovernmental Group of Experts on Competition Law and Policy

The Intergovernmental Group of Experts on Competition Law and Policy,

Recalling the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Recalling the provisions relating to competition issues adopted by UNCTAD XIII in Doha, including the provisions in paragraphs 50 and 56(m) of the Doha Mandate,

Further recalling the resolution adopted by 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 (Geneva, November 2010),

Reaffirming the fundamental role of competition law and policy for sound economic development and the need to further promote the implementation of the Set of Principles and Rules,

Noting that UNCTAD XIII has focused on addressing the opportunities and challenges of globalization for development,

Underlining that competition law and policy is a key instrument for addressing globalization, including by enhancing trade and investment, resource mobilization and the harnessing of knowledge,

Recognizing that an effective enabling environment for competition and development may include both national competition policies and international cooperation,

Further recognizing the need to continue UNCTAD's work on competition law and policy so as to enhance the development impact,

Noting with satisfaction the important written and oral contributions from competition authorities of members participating in its twelfth session, and

Taking note with appreciation of the documentation prepared by the UNCTAD secretariat for its twelfth session,

1. *Expresses appreciation* to the Governments of Mongolia, the United Republic of Tanzania, Zambia and Zimbabwe for volunteering for a peer review during the twelfth session of the Intergovernmental Group of Experts (IGE) and to all Governments and regional groupings participating in the review; recognizes the progress achieved so far in the elaboration and enforcement of the peer-reviewed countries' competition law; and invites all member States to assist UNCTAD on a voluntary basis by providing experts or other resources for future and follow-up activities in connection with voluntary peer reviews and their recommendations;

2. *Decides* that UNCTAD should, in light of the experiences with the voluntary peer reviews undertaken so far by UNCTAD and others and in accordance with available resources, undertake a further voluntary peer review on the competition law and policy of a member State or regional grouping of States during the thirteenth session of the Intergovernmental Group of Experts;

3. *Emphasizes* the importance of applying competition law to public procurement; takes notes of the discussions and written contributions of member States on this issue; and requests the UNCTAD secretariat to disseminate the summary of the IGE discussions on this topic to all interested States, including through its technical cooperation activities;

4. *Underlines* the importance of knowledge management as a tool for enhancing agency effectiveness; and requests the UNCTAD secretariat to disseminate the summary of the IGE discussions on this topic to all interested States, including through its technical cooperation activities;

5. *Calls upon* UNCTAD to promote and support cooperation between competition authorities and Governments in accordance with the Doha Mandate in paragraphs 50 and 56(m);

6. *Recommends* that the thirteenth session of the Intergovernmental Group of Experts consider the following issues for better implementation of the Set:

- (a) The impact of cartels on the poor;
- (b) Prioritization and resource allocation as a tool for agency effectiveness;
- (c) Modalities and procedures for international cooperation in competition cases involving more than one country;
- (d) Voluntary peer reviews on the competition law and policy of interested countries.

7. *Requests* the UNCTAD secretariat, with a view to facilitating the round table discussions, to prepare reports on items 6(a), (b), (c) and (d) above. With a view to facilitating the consultations at the peer review, requests the secretariat to prepare an executive summary of the peer review report in all working languages, as well as a full report of the peer review in its original language to be submitted to the thirteenth session of the IGE;

8. *Further requests* the UNCTAD secretariat to continue publishing as non-sessional documents and to include in its website the following documents:

(a) An updated review of capacity-building and technical assistance, taking into account information to be received from member States and observers no later than 31 January 2013;

(b) Further issues of the *Handbook on Competition Legislation* containing commentaries on national competition legislation providing the basis for further revision and updating of the Model Law to be received from member States no later than the end of April 2013;

9. *Takes note with appreciation* of the voluntary financial and other contributions received from member States; invites member States to continue to assist UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities or financial resources; and requests the UNCTAD secretariat to pursue and, where possible, focus its capacity-building and technical cooperation activities (including training) on maximizing their impact in all interested countries.
