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Trade and Development Board
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Intergovernmental Group of Experts on Competition Law and Policy
Sixteenth session
Geneva, 5–7 July 2017
Item 2 of the provisional agenda
Adoption of the agenda and organization of work

Provisional agenda and annotations

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II. Annotations

Item 1 Election of officers

1. The Intergovernmental Group of Experts on Competition Law and Policy 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 3 p.m. on Wednesday, 5 July 2017, be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting, on Friday, 7 July 2017, will be devoted to the adoption of the report and the provisional agenda of the eighteenth session of the Intergovernmental Group of Experts to be held in July 2018 (item 4 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 5 July (after the election of officers and general statements) to the morning of 7 July, can then be devoted to substantive items 3 (a) to 3 (d) of the provisional agenda (see annex). If necessary, the adoption of the report may be postponed until the late afternoon of 7 July in order to allow for an informal working session to be held that afternoon.

Item 3

Work programme, including capacity-building in and technical assistance on competition law and policy

5. The Intergovernmental Group of Experts will have reviewed the secretariat report entitled “Capacity-building and technical assistance on competition law and policy” (TD/B/C.I/CLP/43) and will have heard a presentation by the secretariat on the main activities implemented and on projects currently in force, as well as contributions from representatives of beneficiary countries and donor agencies. The Intergovernmental Group of Experts is expected to give guidance to the secretariat on further capacity-building work to be undertaken on competition law and policy. In accordance with paragraph 8 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its fifteenth session (TD/B/C.I/CLP/40), the Intergovernmental Group of Experts will consider the following issues at this session: challenges faced by young and small competition authorities in the design of merger control; and enhancing international cooperation in the investigation of cross-border competition cases – tools and procedures.

6. To facilitate the round-table discussion on the two topics, the secretariat has prepared two background documents entitled “Challenges in the design of a merger control regime for young and small competition authorities” (TD/B/C.I/CLP/45) and “Enhancing international cooperation in the investigation of cross border competition cases: Tools and procedures” (TD/B/C.I/CLP/44).

7. The 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 decided that UNCTAD should undertake further voluntary peer reviews of competition law and policy in member States or regional groupings (TD/RBP/CONF.8/11, paragraph 7). In accordance with paragraph 3 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its fifteenth session, the Intergovernmental Group of Experts will conduct a peer review of the competition law and policy of Argentina. The full report of the peer review will be made available (UNCTAD/DITC/CLP/2017/1) and, to facilitate discussion of the report, an overview will be made available in all languages (TD/B/C.I/CLP/46).

8. In accordance with paragraph 10 of the agreed conclusions adopted by the Intergovernmental Group of Experts at its fifteenth session, the secretariat will present the revised and updated commentaries on chapters 2 and 7 of the model law on competition on the basis of submissions received from member States.

9. Experts are invited to make oral presentations supported by short written papers on the subjects referred to above. The papers will be made available in the meeting room

during the consultations. Should States wish to hold consultations on other subjects, they are invited to inform the UNCTAD secretariat of the subject by no later than 15 May 2017, to enable all participants to prepare for the consultations.

Item 4

Provisional agenda for the seventeenth session of the Intergovernmental Group of Experts on Competition Law and Policy

10. Acting in its capacity as preparatory body for the seventeenth session, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for the next session.

11. The 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 decided that future sessions of the Intergovernmental Group of Experts should include at least four clusters of issues for informal consultations among participants on competition law and policy issues, with a special focus on practical cases (TD/RBP/CONF.8/11, paragraph 19), namely:

- (a) Competition and inclusive and sustainable development
- (b) Best practices in the design and enforcement of competition law and policy and its interaction with consumer protection
- (c) Provision of capacity-building and technical assistance
- (d) International cooperation and networking

12. The Conference also invited Governments, during future consultations in meetings of the Intergovernmental Group of Experts, to clarify the scope or application of competition laws and policies, with a view to improving mutual understanding of substantive principles and procedures of competition law and policy (TD/RBP/CONF.8/11, paragraph 21). In this context, Governments may wish to discuss the following:

- (a) How competition law and policy should apply to State activities such as the regulation of State enterprises, State monopolies, natural monopolies and enterprises with exclusive rights granted by the State
- (b) The contribution of competition policy in reducing all forms of poverty in the context of the post-2015 development agenda

Item 5

Adoption of the report of the Intergovernmental Group of Experts on Competition law and Policy

13. The Intergovernmental Group of Experts will adopt its report to the Trade and Development Commission.

Experts are requested to submit papers to the UNCTAD secretariat as soon as possible. For further information, please contact Mr. Juan Luis Crucelegui (juanluis.crucelegui@unctad.org), Ms. Elizabeth Gachuri (elizabeth.gachuri@unctad.org) or Mr. Sung Keun Kim (sung-keun.kim@unctad.org), Competition and Consumer Policies Branch, Division on International Trade in Goods and Services, and Commodities, UNCTAD.

Annex

Intergovernmental Group of Experts on Competition Law and Policy, sixteenth session, Geneva, 5–7 July 2017 Provisional meeting schedule

| | Wednesday, 5 July 2017 | Thursday, 6 July 2017 | Friday, 7 July 2017 |
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| Palais des Nations, building E, room XVII | | | |
| 10 a.m.–1 p.m. | | Round table: Enhancing international cooperation in the investigation of cross-border competition cases: Tools and procedures | Voluntary peer review of competition law and policy: Argentina |
| 3–6 p.m. | Opening plenary UNCTAD secretariat presentation: Capacity-building and technical assistance on competition law and policy | Round table: Challenges in the design of a merger control regime for young and small competition authorities | UNCTAD secretariat presentation: Revision of model law on competition Closing plenary Agreed conclusions Provisional agenda for seventeenth session Adoption of report |