



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

Item 4 of the provisional agenda

Annotated provisional agenda and organization of work

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¹ Website for the Conference:
<http://www.unctad.org/Templates/meeting.asp?intItemID=4938&lang=1&m=17888&info=not>.

II. Annotations

1. The General Assembly, in its omnibus trade resolution 61/186, paragraph 19, adopted on 25 January 2007, decided to convene a 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. The Conference is to be held under the auspices of UNCTAD in Geneva in 2010. The Intergovernmental Group of Experts on Competition Law and Policy, at its tenth session, which took place from 7 to 9 July 2009, acted as the preparatory body for the Conference and approved the Provisional agenda for the Sixth Review Conference. The report of the Intergovernmental Group of Experts on Competition Law and Policy at its tenth session is contained in document TD/B/C.I/CLP/6.

Item 1. Opening of the Conference

2. The Conference will be opened at 10 a.m. on Monday, 8 November 2010, by the Secretary-General of UNCTAD or by his representative.

Item 2. Election of the President and other officers

3. Rule 7 of the Provisional rules of procedure of the Conference (TD/RBP/CONF.7/9) provides that the Conference shall elect, with due regard to equitable geographical distribution, a President, a Rapporteur and Vice-Presidents. The President, the Vice-Presidents and the Rapporteur shall constitute the Bureau of the Conference.

Item 3. Adoption of the rules of procedure

4. The Provisional rules of procedure of the Conference, as adopted by previous five Conferences, are contained in document TD/RBP/CONF.7/9.

Documentation

TD/RBP/CONF.7/9

Provisional rules of procedure of the Conference

Item 4. Adoption of the agenda and organization of work of the Conference

5. The text of the Provisional agenda, as set out in chapter I above, was approved by the Intergovernmental Group of Experts on Competition Law and Policy at its tenth session (see annex I of document TD/B/C.I/CLP/6).

(a) Regional group meetings

6. Appropriate time and facilities shall be made available daily throughout the duration of the Conference for regional group meetings.

(b) Facilities available

7. There will be interpretation facilities available from 10 a.m. to 1 p.m. in the mornings and from 3 p.m. to 6 p.m. in the afternoons throughout the duration of the Conference.

(c) Work of the Conference

8. The Conference has at its disposal five working days from 8 to 12 November 2010. It is suggested that the first meeting, on 8 November, be devoted to procedural matters, namely items 1 to 5 (a) of the provisional agenda, as well as to a high-level segment, interactive debate and opening statements, and that the last meeting, on 12 November, be

devoted to items 5 (b) to item 8. The remaining meetings would be devoted to the substantive item 6 and to the informal consultations. A proposed programme of work is provided in the annex to this document.

Documentation

TD/RBP/CONF.7/1

Annotated provisional agenda and organization of work

Item 5. Credentials of the representatives to the Conference

9. Rule 5 of the provisional rules of procedure provides that a Credentials Committee shall be appointed at the beginning of the Conference. It shall examine the credentials of representatives and report to the Conference.

Item 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

10. In acting as preparatory body for the Sixth Review Conference, the Intergovernmental Group of Experts on Competition Law and Policy, at its tenth session on 7–9 July 2009, invited the Secretary-General of UNCTAD to prepare an assessment of the operation of the Set (Agreed conclusions contained in document TD/B/C.I/CLP/6).

11. This assessment prepared by the UNCTAD secretariat is contained in document TD/RBP/CONF.7/2. In addition, Governments will be invited to present their views on the implementation of the Set under this agenda item. Written contributions of the participants will be made available on the Conference website: <http://www.unctad.info/en/6th-UN-Conference-on-Competition-Policy/>.

(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

12. In order to assist the Sixth Review Conference in its work, the Trade and Development Commission, at its second session, held from 3 to 7 May 2010, in its Agreed conclusions, welcomed regional initiatives in convening preparatory meetings for the Sixth Review Conference, with the assistance of the UNCTAD secretariat, focusing on reviewing their respective experiences in the implementation of the Set. In this respect, four regional UNCTAD seminars and workshops have been convened, the results of which will be reported to the Sixth Review Conference.

13. The Intergovernmental Group of Experts on Competition Law and Policy at its tenth session further recommended that the Sixth Review Conference consider the issues related to the better implementation of the Set as set out below.

14. Accordingly, the Conference will hold informal consultations to exchange views on these important competition policy issues. Governments are invited to submit short notes on their interventions in advance to the UNCTAD secretariat in order for these to be reproduced and made available to participants.

15. The Intergovernmental Group of Experts at its tenth session also requested UNCTAD secretariat to prepare three clusters of issues under separate sessions for consideration by the Sixth Review Conference:²

Session I: Implementation of competition law and policy

- (a) Judicial review of competition cases;
- (b) Appropriate sanctions and remedies;
- (c) The use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries.

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

- (d) Modalities for facilitating voluntary consultations among member States and regional groupings, in line with section F of the UN Set;
- (g) The effectiveness of the capacity-building and technical assistance extended to newly established competition authorities.

Session III: The role of competition policy in promoting economic development

- (h) Evaluating the effectiveness of competition law in the promotion of economic development;
- (i) The appropriate design and enforcement of competition law and policy in countries at different stages of market development;
- (k) The role of competition advocacy, merger control and the effective enforcement of law in times of economic trouble.

16. Accordingly, the Conference will have before it a report on each of the topics listed above. The following documents will be submitted:

- (a) Assessment of the application and implementation of the Set (TD/RBP/CONF.7/2);
- (b) The role of competition policy in promoting economic development: The appropriate design and effectiveness of competition law and policy (TD/RBP/CONF.7/3);
- (c) The use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries (TD/RBP/CONF.7/4);
- (d) Appropriate sanctions and remedies (TD/RBP/CONF.7/5);
- (e) The role of competition advocacy, merger control and the effective enforcement of law in times of economic trouble (TD/RBP/CONF.7/6);
- (f) An updated Review of capacity-building and technical assistance on competition law and policy (TD/RBP/CONF.7/7).
- (g) An updated version of the Model Law containing new provisions for merger control (TD/RBP/CONF.7/8).

² Given that sub-items e, f, and j of Sessions I-III were not retained for consideration by the Sixth Review Conference, the Conference may wish to include them in the draft provisional agenda of the eleventh session of the Intergovernmental Group of Experts on Competition Law and Policy.

17. The Conference will also hold a voluntary peer review on Competition Law and Policy of Armenia. As basic documents for the peer review, the Conference will have before it two reports as called for by the tenth session of the IGE:

(a) An Overview of the Voluntary Peer Review on Competition Law and Policy of Armenia (UNCTAD/DITC/CLP/2010/1 Overview); and

(b) A report of the Voluntary Peer Review on Competition Law and Policy of Armenia (UNCTAD/DITC/CLP/2010/1).

18. Delegates wishing to participate in the Peer Review on Competition Law and Policy of Armenia are invited to inform the UNCTAD secretariat in advance of the Conference so that the programme for the peer review can be finalized on time and the participants have adequate time to prepare themselves for the consultations..

Item 7. Other business

19. The Conference shall, among other issues, discuss and adopt a Provisional agenda for the eleventh session of the Intergovernmental Group of Experts on Competition Law and Policy.

Item 8. Adoption of the report of the Conference

20. Rule 52 of the provisional rules of procedure states that the Conference may recommend to the General Assembly the adoption of amendments to the Set of Principles and Rules. Rule 52 of the provisional rules of procedure also provides that the Conference shall adopt a report on its proceedings. The final report of the Sixth Review Conference will be submitted to the United Nations General Assembly through the Trade and Development Board.

Annex

Proposed draft work programme

	Monday 8 November	Tuesday 9 November	Wednesday 10 November	Thursday 11 November	Friday 12 November
10.00–13.00	<p>1st Plenary</p> <p>Inaugural ceremony followed by</p> <ul style="list-style-type: none"> • Items 1-5(a) • High-level segment followed by interactive debate and general statements 	<p>Session I (cont'd):</p> <p>Implementation of competition law and policy</p> <p>(c) The use of leniency programmes as a tool for the enforcement of competition law against hardcore cartels in developing countries</p>	<p>Session III:</p> <p>The role of competition policy in promoting economic development</p> <p>(i) The appropriate design and enforcement of competition law and policy in countries at different stages of market development</p> <p>(h) Evaluating the effectiveness of competition law in the promotion of economic development</p> <p>(g) The effectiveness of the capacity-building and technical assistance extended to newly established competition authorities</p>	<p>Session II:</p> <p>Review of the experience gained in the implementation of the UN Set, including voluntary peer reviews</p> <p>(d) Modalities for facilitating voluntary consultations among member States and regional groupings, in line with section F of the UN Set</p> <p>(f) The role of networking in the exchange of non-confidential information in facilitating cooperation among competition agencies</p>	<p>Item 6 (a & b) (cont'd):</p> <ul style="list-style-type: none"> • Consideration of the draft resolution of the Conference
15.00–1800	<p>Session I:</p> <p>Implementation of competition law and policy</p> <p>(a) Judicial review of competition cases</p> <p>(b) Appropriate sanctions and remedies</p>	<p>Voluntary peer review of competition law and policy: Armenia</p>	<p>Session III (cont'd):</p> <p>The role of competition policy in promoting economic development</p> <ul style="list-style-type: none"> • Round table on the Foundations of Agency Effectiveness <p>(k) The role of competition advocacy, merger control, and the effective enforcement of law in times of economic trouble</p>	<p>Session II:</p> <p>Review of the experience gained in the implementation of the UN Set, including voluntary peer reviews (cont'd)</p> <p>(e) Evaluation of the experience gained so far in the implementation of the UN Set, including UNCTAD voluntary peer reviews</p> <p>Item 6 (a & b) Consideration of the draft resolution of the Conference</p>	<p>Closing plenary</p> <p>Item 5 (b)</p> <ul style="list-style-type: none"> • Report of the Credentials Committee <p>Item 6</p> <ul style="list-style-type: none"> • Adoption of the draft resolution of the Conference <p>Item 7</p> <ul style="list-style-type: none"> • Other business – Adoption of the Provisional agenda for the IGE, eleventh session <p>Item 8 Adoption of the report of the Conference</p>