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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

Competition policy and public procurement

Note by the UNCTAD secretariat

Corrigendum

Paragraph 46

For the existing text *substitute*

46. Following this guidance is expected to improve the chances of attracting a “good number” of bidders to a specific tender or series of tenders on a specific area or market. Following point (a), procurement authorities would be better positioned to design tenders in accordance with actual market conditions, point (b) is a straightforward reminder of using such knowledge to specify tenders in order to maximize the number of credible bidders, and point (e) emphasizes on an important and challenging element: to consider ways of promoting and preserving competition in the future.

Paragraph 47

For the existing text *substitute*

47. On the other hand, points (c) and (d) relate to the behavioural element, aiming at ensuring that bids are independent from each other (competitive). In terms of the three elements discussed above, (information on who are the other potential bidders, communication between potential bidders, engagement in collusive agreements), point (c) of the OECD checklist helps introducing a healthy dose of uncertainty on who will participate in a specific tender (element 1), point (d) directly addresses the issue of communication (element 2), and the combination of (a) and (c) may be regarded as related to the introduction of disincentives for firms to engage in collusive agreements (element 3).³⁵

³⁵ This is the case, for instance, when careful tender design makes it harder to divide benefits amongst market players, or introduces any other feature that would make it more difficult to organize and maintain an agreement.

Paragraph 50

For the last sentence under “Area 1. Understanding of actual behaviours”, for the existing text *substitute*

Screening methodologies may help selecting relevant markets in an objective way.³⁸

³⁸ See for instance Harrington (2009) at http://www.econ2.jhu.edu/People/Harrington/Harrington_SACC_9.09.pdf.
