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TRADE AND DEVELOPMENT BOARD
Commission on Investment, Technology and
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Intergovernmental Group of Experts
on Competition Law and Policy
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Agenda item 3

- (i) CONSULTATIONS ON COMPETITION LAW AND POLICY, INCLUDING THE MODEL LAW AND STUDIES RELATED TO THE PROVISIONS OF THE SET OF PRINCIPLES AND RULES
- (ii) WORK PROGRAMME, INCLUDING TECHNICAL ASSISTANCE, ADVISORY AND TRAINING PROGRAMMES ON COMPETITION LAW AND POLICY

Agreed conclusions ^{*}/

The Intergovernmental Group of Experts on Competition Law and Policy,

Recalling the United Nations Set of Principles and Rules on Competition, the decisions on competition issues adopted by UNCTAD X in paragraphs 140-143 of the Bangkok Plan of Action (TD/386), and the Fourth United Nations Conference to Review all Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

^{*}/ As adopted by the IGE at its closing plenary meeting on 5 July 2002.

Taking note of United Nations General Assembly resolution 55/182 of 20 December 2000, which "reaffirms the role of competition law and policy for sound economic development, takes note of the important and useful work of the United Nations Conference on Trade and Development in this field, and, in this regard, decides to convene in 2005 a fifth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, under the auspices of the United Nations Conference on Trade and Development",

Taking note with appreciation of the continued cooperation with the World Trade Organization, the Organisation for Economic Co-operation and Development and other organizations active in the field of competition law and policy, and in particular of the request made by WTO Ministers in paragraph 24 of the Doha Declaration to the effect that: "We recognize the needs of developing and least-developed countries for enhanced support for technical assistance and capacity building in this area, including policy analysis and development, so that they may better evaluate the implications of closer multilateral cooperation for their development policies and objectives, and human and institutional development. To this end, we shall work in cooperation with other relevant intergovernmental organizations, including UNCTAD, and through appropriate regional and bilateral channels, to provide strengthened and adequately resourced assistance to respond to these needs",

Noting also with appreciation the establishment of the International Competition Network, in which UNCTAD participates,

1. *Recommends* the continuation and strengthening of the important and useful work programme within UNCTAD's secretariat and the intergovernmental machinery that addresses competition law and policy issues and proceeds with the active support and participation of competition law and policy authorities of member countries;

2. *Takes note* with appreciation of the Consolidated Report of the four Regional Seminars on the post-Doha mandate held between 21 March and 26 April 2002 and *invites* the secretariat to continue its efforts related to the implementation of the Doha Declaration, within available resources;

3. *Takes note* with appreciation of the documentation prepared by the UNCTAD secretariat for the fourth session of the Intergovernmental Group of Experts and *requests* the secretariat to revise/update documents TD/B/COM.2/CLP/21/Rev.1, 22/Rev.1, 26, 29 and 30 in the light of comments made by member States at the fourth session or to be sent in writing by 31 January 2003 for submission to the next session of the Intergovernmental Group of Experts, and to make them available through UNCTAD's website;

4. *Requests* the UNCTAD secretariat to prepare for the fifth session of the Intergovernmental Group of Experts studies on the implications of closer multilateral cooperation in competition policy for their development objectives, in particular:

- (a) A report on ways in which possible international agreements on competition might apply to developing countries, including through preferential or differential treatment, with a view to enabling them to introduce and enforce competition law and policy; and
- (b) A study of the roles of possible dispute mediation mechanisms and alternative arrangements, including voluntary peer reviews, in competition law and policy;

5. *Recommends* that the Intergovernmental Group of Experts consider in its consultations at its session in 2003 the following issues for better implementation of the Set:

- (a) The interface between competition policy and industrial policy; and
- (b) The optimal design and implementation of competition law in developing countries, including the desirability of a phased approach;

6. *Takes note* with appreciation of the voluntary financial and other contributions received from member States; *invites* all member States 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, expand its capacity-building and technical cooperation activities (including

training) in all regions, within the available resources, taking into account the deliberations and the consultations that took place at the fourth session, and to update information about its forthcoming events on its website;

7. *Requests* the UNCTAD secretariat to prepare for consideration by the next session of the Intergovernmental Group of Experts:

- (a) An updated review of capacity building and technical assistance, taking into account the information to be submitted by member States and international organizations no later than 31 January 2003;
- (b) A fully revised and updated version of the Model Law on Competition on the basis of submissions to be received from member States no later than 31 January 2003; and
- (c) An information note on recent important cases, with special reference to competition cases involving more than one country, taking into account information to be received from member States no later than 31 January 2003;

8. *Requests* the secretariat to continue to publish the following documents on a regular basis and to make them available on the Internet:

- (a) Further issues of the Handbook on Competition Legislation, including regional and international instruments;
- (b) An updated version of the Directory of Competition Authorities.