



**Eighth United Nations Conference to Review All Aspects of the Multilaterally
Agreed Equitable Principles and Rules for the Control of Restrictive Business
Practices**

19 -23 October 2020, Geneva, Switzerland

Round table: Competitive Neutrality

Friday, 23 October - 10:30 – 11:30

Room XIX (Third Floor)

Palais des Nations

In point 15 of the Agreed Conclusions of the eighteenth session of the Intergovernmental Group of Experts (IGE) on Competition Law and Policy, the IGE request the UNCTAD secretariat to facilitate consultations on the topic of competitive neutrality at the Eighth United Nations Conference to Review All Aspects of the Set.

Competitive neutrality aims to provide for a level playing field¹ for all commercial actors, whether they are public or private operators, thereby contributing for non-discriminatory market access and market functioning.

Many discussions have been dedicated to the analysis of State-Owned Enterprises (SOEs), concluding that SOEs often face advantages, but may face considerable disadvantages as well. Advantages may include direct subsidies, regulatory advantages, favourable taxation, loans and State guarantees. Regulatory advantages to SOEs have often been granted as immunity from a range of legal provisions and in some cases still do include, immunity from competition laws.

On the downside, some responsibilities may be imposed on SOEs by governments to achieve public interest wider aims, including environmental, industrial policy and other social related obligations (e.g. gender equality, minority protection, etc.). These may divert the focus of the business management from profit driven motives that generally underlie private sector businesses and make them successful.

All the aspects mentioned above, especially industrial policy considerations and other social obligations, need to be considered when discussing the way forward after the COVID-19 crisis and how the concept of competitive neutrality could play an important role in meeting the challenges all economies face today, but particularly in developing and transition economies.

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WORK PROGRAMME

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**10.30 h – 10.40 h Presentation and moderation by Ms. Nathalie Harsdorf, Acting
Managing Director and Head of Legal Service, Austrian Competition Authority**

10.40 h – 11.10 h

Speakers:

- Mr. Driss Guerraoui, Chairman, Moroccan Competition Council
- Mr. Arsenio M. Balisacan, Chairman, Philippine Competition Commission
- Mr. Rodrigo Rios Dordelly, Executive Director of Cooperation, Federal Economic Competition Commission, COFECE (Mexico)
- Mr. Paul Palisi, Senior Advisor, Department of Treasury's Market Conduct Division, Australia

11.10 h – 11.30h Questions from the floor and closing