

Current Process of UNCTAD Voluntary Peer Review on Competition and on Consumer Protection Laws and Policies

1. Consultation

(1) Request by volunteering member State/regional organization

- UNCTAD secretariat receives the request from an interested member State/regional organization via its permanent mission in Geneva.
- In case of various simultaneous requests (it has not happened yet), candidatures will be assessed by the UNCTAD secretariat using objective criteria¹.
- Funding must be secured: either through self-funding by volunteering member State, or through a Trust Fund Agreement with a development partner/regional international institution/member States. It is possible that an interested consumer protection agency serving as peer reviewer volunteers to fund the exercise.
- Funds are transferred to UNCTAD to cover for: expert fees, fact-finding mission of one week for expert and one accompanying UNCTAD staff, edition, formatting and translation (depending on needs) of background report. Additional funding may be budgeted to organize a post-review mission to disseminate the recommendations in the peer reviewed member State ((9) and (10) below).

(2) Selection of expert(s) to draft the peer review background report

- UNCTAD secretariat identifies external expert(s) to draft the peer review background report. Expert(s) must have an advanced university degree in Economics, law, social affairs or related field that is relevant for competition/consumer protection law and policy; over ten years of direct experience in competition/consumer policy formulation/implementation; fluency in the official language of the reviewed member State and/or in the language of the peer review background report. Expert(s) must not be government officials at the time of the peer review. They should not be nationals of the peer reviewed member State.
- A pool of three experts is proposed to the reviewed member State, who chooses (one or more, depending on needs) in close consultation with UNCTAD secretariat.
- UNCTAD secretariat issues the contract with the selected expert(s).

(3) Fact-finding mission

- Prior self-assessment by the reviewed member State is strongly encouraged. (voluntary)
- Preparation of documentation by the reviewed member State (legislation, policy, judicial decisions, institutional documents and strategies).
- The expert(s) schedule and undertake desk research, fact-finding mission to the peer reviewed member State (accompanied by an UNCTAD staff) to collect necessary data and information.

(4) Drafting the peer review background report

- The expert(s) prepare a draft peer review background report, which includes recommendations, based on the research and fact-finding mission.

¹ Although this has never happened, the note "Framework for voluntary peer reviews on consumer protection law and policy" identifies the following criteria against which candidatures will be assessed (which may be applied mutatis mutandis to competition):

- (a) Experience: Number of years in implementing consumer protection policies
- (b) Suitability: Opportunity for policy improvement, adjustment or reform
- (c) Sustainability: Appropriate capacities for implementing and monitoring the peer review recommendations and ensuing technical cooperation project, if applicable.

- The draft peer review background report is sent to the reviewed member State to correct factual errors.
- The final peer review background report is summarized in an overview report (max 6,000 words).
- The overview report is translated and publicized in all six UN official languages. The overview report must be released online at the latest two weeks prior to the peer review session at the IGE ((8) below)².
- The final peer review background report is submitted for edition and (eventual) translation, at least into English. The translation process takes approximately six months and UNCTAD Competition and Consumer Policies Branch is not in a position to guarantee that it will be ready for the peer review session at the IGE.

2. Peer review

(5) Selection of peer reviewers

- UNCTAD secretariat proposes a pool of five peer reviewers (usually competition/consumer protection authorities of member States but could also be academics) considering experience in the most salient issues identified in the peer review background report and geographical balance, of which the peer reviewed member State chooses three.
- UNCTAD secretariat invites peer reviewers and briefs them about the process and responsibilities.

(6) Preparation of peer review

- The peer review background report is shared with the peer reviewers.
- UNCTAD secretariat hosts a meeting with reviewed and reviewers to present the process, expected inputs and occasions of intervention.
- The peer reviewers prepare around five to seven questions and send them to UNCTAD secretariat. UNCTAD secretariat systematizes questions (to avoid duplications) and selects two per peer reviewer.
- The reviewed member State has the opportunity to ask one or two questions to each peer reviewer, and also to ask one question to one or two member States attending the peer review session at the IGE ((8) below).
- UNCTAD secretariat prepares a script with all interventions and submits them to interpreters for the peer review session at the IGE ((8) below). Interpreters require all interventions in writing in advance.

(7) Prepare a capacity-building project proposal

- UNCTAD secretariat develops a capacity-building project to implement the peer review recommendations.

(8) Formal peer review session at the meeting of Intergovernmental Group of Experts (IGE) on Competition or Consumer Protection Law and Policy

- UNCTAD secretariat organizes a peer review round-table discussion and presents the peer review background report and recommendations.
- Interactive session of questions and answers between reviewers and reviewed member State, and with the rest of participating member States (as contained in a script of the session) takes place. Interpreters require all interventions in writing in advance.
- UNCTAD secretariat presents the capacity building project proposal ((7) above) to accompany the reviewed member State in implementing the recommendations from the peer review background report and the interactive session.

² Internally, the overview report is submitted to the Intergovernmental Support Service for edition, translation and publication 14 weeks prior to the peer review session at the IGE.

- UNCTAD secretariat prepares a report of the session (translated into six UN official languages and released online) contained in the overall report of the IGE meeting.

3. Follow-up

(9) Dissemination of peer review results

- UNCTAD secretariat organizes a mission to disseminate the peer review findings and recommendations to all relevant stakeholders in the reviewed member State, for example by holding workshops, depending on availability of funds.
- Peer reviewers may be invited to participate in the dissemination mission, depending on availability of funds.

(10) Implementation of the capacity-building project

- Activities involved depend on availability of funds (e.g. revision of laws, training workshops).

Reference: Flowchart of the process

