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**Trade and Development Board  
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Item 9 of the provisional agenda  
**Review of capacity-building in and technical  
assistance on consumer protection law and policy**

**Trade and Development Board  
Trade and Development Commission  
Intergovernmental Group of Experts on  
Competition Law and Policy**  
Twenty-first session  
Geneva, 5–7 July 2023  
Item 9 of the provisional agenda  
**Review of capacity-building in and technical  
assistance on competition law and policy**

**Review of capacity-building in and technical assistance on  
competition and consumer protection laws and policies**



## I. Introduction

1. UNCTAD is the focal point for competition and consumer protection laws and policies within the United Nations system. UNCTAD aims to assist developing countries in improving their participation in the global economy, and technical assistance is a core activity for this purpose.

2. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, adopted by the General Assembly in resolution 35/63 of 5 December 1980,<sup>1</sup> states that collaboration at the international level should include “implementation within or facilitation by UNCTAD, and other relevant organizations of the United Nations system in conjunction with UNCTAD, of technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries”.<sup>2</sup> The Set of Multilaterally Agreed Equitable Principles and Rules plays an important role in encouraging the adoption and strengthening of laws and policies in this area at both the national and regional levels.

3. The revised United Nations guidelines for consumer protection adopted by the General Assembly in resolution 70/186 of 22 December 2015 include a chapter on international cooperation that states that Member States “should cooperate to promote and facilitate capacity-building in the area of sustainable consumption” and a chapter on the establishment of the Intergovernmental Group of Experts on Consumer Protection Law and Policy under UNCTAD, among other things, to “provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies”.<sup>3</sup>

4. The Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, held in October 2020, in its resolution A underlined “the essential role of UNCTAD in providing technical assistance and capacity-building in the fields of competition and consumer protection through cooperation with beneficiary countries and by employing a multi-stakeholder approach to foster a culture of competition and consumer protection and raise awareness among consumers and businesses”; and requested that UNCTAD, under its technical cooperation pillar “(a) conduct follow-up and an impact assessment of technical cooperation activities to improve and better adjust them to beneficiaries’ needs and priorities” and “(b) further explore and develop joint and complementary work with other international and regional organizations for more effective and stronger assistance to developing countries and transition economies”.<sup>4</sup>

5. The Bridgetown Covenant, adopted by member States at the fifteenth session of the United Nations Conference on Trade and Development, renewed UNCTAD mandates in the fields of competition and consumer protection and technical cooperation (box 1).

Box 1

### **Bridgetown Covenant, key extracts**

#### **Transforming economies through diversification**

56. In the process of transformation, it is fundamental for fair, sound and robust competition and consumer protection policies and enforcement to maintain a robust, level playing field and enhance transparency for all participants, so that market access is not under anticompetitive practices. Ensuring effective competition, including through support in developing and implementing competition policies and through cooperation among competition authorities, paired with robust consumer protection in the market, will help foster economic efficiency, resulting in safer and better products at lower prices for

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<sup>1</sup> The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices is itself contained in the annex of document A/C.2/35/6.

<sup>2</sup> See A/C.2/35/6, annex, section F, paragraph 6.

<sup>3</sup> A/RES/70/186, paragraphs 92, 95–96 and 97 (e).

<sup>4</sup> TD/RBP/CONF.9/9, chapter I.

consumers.

62. Multilateral dialogue and cooperation are crucial in areas such as the governance of new and emerging technologies, including those related to data management, competition and consumer protection. Special attention should also be paid to the challenges of electronic commerce and the digital economy through an integrated approach to many strategic areas. Increased international cooperation is required, including in digital platforms' governance, to promote data flow with trust, safety and confidence in their use, in accordance with national regulations and relevant international commitments.

### **UNCTAD in a world in transformation**

#### *The technical cooperation work of UNCTAD*

115. UNCTAD should continue its work to support developing countries, through capacity-building and technical assistance. In consultations with the membership, a comprehensive and coherent technical cooperation strategy should be prepared by the secretariat, which will define the UNCTAD focus for future technical cooperation within its mandate.

116. UNCTAD technical cooperation should continue to assist developing countries and be adapted to the new opportunities and challenges in the fields of trade and development and interrelated issues. It should support countries in addressing the challenges exacerbated or revealed as a result of the [coronavirus disease] COVID-19 pandemic and build resilience to future economic shocks, by building productive capacities, and support sustainable development.

### **Work programme of UNCTAD**

#### *The role of UNCTAD*

127. UNCTAD, as the focal point within the United Nations system for the integrated treatment of trade and development and interrelated issues in the areas of finance, technology, investment and sustainable development, should continue its work through the three pillars, building on the Nairobi Maafikiano and based on the preceding policy analysis of the Bridgetown Covenant. Therefore, UNCTAD should:

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- (z) Continue to assist developing countries to formulate and implement competition and consumer protection policies and laws, facilitate cooperation among competition and consumer protection agencies, conduct peer reviews and foster the exchange of knowledge and best practices, including through multilateral forums, such as the Intergovernmental Group of Experts on Competition Law and Policy and the Intergovernmental Group of Experts on Consumer Protection Law and Policy, and by contributing to the implementation of the outcome of the United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and of the revised United Nations guidelines for consumer protection;

*Source:* TD/541/Add.2.

6. The draft UNCTAD programme plan and performance information for the year 2024, part A of the proposed programme budget, states that the objective to which subprogramme 3 on international trade and commodities contributes is “to ensure that international trade and commodities enable the economic diversification, sustainable and resilient economy and multilateralism transformations needed to create a more inclusive, resilient, sustainable and prosperous world through the participation of all member States”, including the following actions: “support the adoption of, improvement in, and enforcement of national and regional competition and consumer protection legislation, through best practices, guidelines and peer reviews, helping member States to use these policies to better achieve inclusive development and make progress towards achieving Sustainable Development Goals 8, 9, 10, 12 and 17; [and] monitor and report on current trade trends and policies, including the recovery from the COVID-19 pandemic, and their impact upon

competition, consumer protection and creative economy, to provide policy recommendations to member States”.<sup>5</sup> In addition, at its sixty-ninth session, the Trade and Development Board approved the technical cooperation strategy (box 2).

Box 2

**UNCTAD technical cooperation strategy, key extracts**

3. UNCTAD technical cooperation will continue to assist developing countries, continue to be demand-driven and be adapted to new opportunities and challenges, such as the ones resulting from the COVID-19 pandemic, in the fields of trade and development and interrelated issues, in alignment with the Bridgetown Covenant and the transformations that are called for in it.

19. Stemming from the focus on capacity development, UNCTAD technical cooperation will have the following features:

(a) It will be demand-driven, supportive of and based on beneficiaries’ needs and priorities, and will follow the priorities defined by funding partners and be in accordance with the Bridgetown Covenant. The UNCTAD secretariat has been playing and will continue to play, in the period 2022–2024, the role of both of “convener” and “advocator”, supporting efforts to match country needs and donor priorities. When feasible, the UNCTAD secretariat will support and advocate for interlinkages between the various priorities of the Bridgetown Covenant;

(b) It will be results-oriented, so as to maximize the impact of technical cooperation activities. UNCTAD will apply results-based management methodology throughout the life cycle of its technical cooperation projects and conduct ex post evaluations, if possible, in the long term;

(c) It will be designed and implemented in such a manner as to ensure the ownership of the beneficiaries and to be supportive of national development efforts;

(d) It will be coordinated with United Nations resident coordinators and their teams, as laid out in the relevant United Nations development system reform documents;

(e) Programme design, formulation and implementation will be carried out in close consultation with beneficiaries and funding partners and, where warranted, in cooperation and interaction with international, regional and local partner agencies;

(f) It will target long-term development needs, such as human and institutional capacity, productive capacities and diversification, and environmental, debt and digital challenges;

(g) Particular attention will be given to the goal of sustainability, recovery and inclusivity of projects and programmes;

(h) With a view to increasing the effectiveness and enhancing the impact of technical cooperation activities, a well sequenced approach will be adopted in the formulation and implementation of programmes and activities, reflected in logical frameworks.

*Source:* TD/B/69/4/Add.1.

7. The Intergovernmental Group of Experts on Competition Law and Policy, at its twentieth session, requested the UNCTAD secretariat to prepare, for the consideration of the Intergovernmental Group of Experts at its twenty-first session, an updated review of capacity-building in and technical assistance on competition law and policy, including an impact assessment, based on information received from member States.<sup>6</sup> The Intergovernmental Group of Experts on Consumer Protection Law and Policy, at its sixth session, requested the UNCTAD secretariat to prepare, for the consideration of the Intergovernmental Group of Experts at its seventh session, an updated review of capacity-

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<sup>5</sup> TD/B/WP(85)/INF.1.

<sup>6</sup> TD/B/C.I/CLP/66, chapter I paragraph 17.

building in and technical assistance on consumer protection law and policy, including an impact assessment.<sup>7</sup>

8. The present note provides information on the capacity-building and technical assistance activities of UNCTAD with regard to competition and consumer protection laws and policies in 2022–2023.

## II. Review of activities implemented in 2022–2023

9. In accordance with the above-mentioned mandates, UNCTAD provides a wide range of technical cooperation services, such as assisting in the preparation, adoption, revision and/or implementation of competition and consumer protection laws and policies and building institutional capacity for the effective enforcement of competition and consumer protection laws, as well as advocating for competition and consumer protection awareness among stakeholders. UNCTAD technical assistance is also provided as a follow-up to the implementation of recommendations deriving from voluntary peer reviews of competition and consumer protection laws and policies.

10. In 2022, the Competition and Consumer Policies Branch of UNCTAD received 17 formal requests for technical cooperation on competition and consumer protection issues, and organized 27 public events and intervened at 38 events related to competition and consumer protection organized by member States, international and regional organizations and other stakeholders. UNCTAD supported member States in addressing market disruptions in the form of unfair commercial practices and anticompetitive practices through advisory services, technical assistance and capacity-building activities implemented in 2022, disseminating international experiences and best practices and providing theoretical and practical backgrounds for policy measures and legislative and regulatory frameworks. The UNCTAD multi-stakeholder approach in these policy areas and the combination of national and regional-level activities were successful in both fields. In addition, established partnerships with national, regional and international organizations and institutions, combining knowledge and technical and financial support, allowed UNCTAD to effectively carry out activities that led to tangible outcomes.

### A. Activities in the field of competition

#### 1. National level

11. In 2022, UNCTAD continued to provide assistance to Thailand on the contribution of competition policy to the resurgence of microenterprises and small and medium-sized enterprises as part of a United Nations Development Account project.<sup>8</sup> In June 2022, UNCTAD organized an event, jointly with the Economic and Social Commission for Asia and the Pacific and the Trade Competition Commission of Thailand, to present and discuss the following three products of the UNCTAD-led project stream on competition policy and microenterprises and small and medium-sized enterprises: draft recommended practices for digital platforms, for fairer and more transparent access for microenterprises and small and medium-sized enterprises; guidance document on competition and such enterprises; and online course on the interface between competition policy and the development of such enterprises.<sup>9</sup> The Chair of the Trade Competition Commission stated that the event and materials were educational.<sup>10</sup> The knowledge gained could facilitate the more purposeful

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<sup>7</sup> TD/B/C.I/CPLP/32, chapter I, paragraph 18.

<sup>8</sup> United Nations Development Account project response to COVID-19 was launched in 2020, comprising five short-term projects, of which two were implemented by the Competition and Consumer Policies Branch of UNCTAD. One of the two projects is “Global initiative towards post-COVID-19 resurgence of microenterprises and small and medium-sized enterprises”.

<sup>9</sup> See <https://unctad.org/meeting/conference-contribution-competition-policy-resurgence-msmes-post-covid-19>.

*Note:* All websites referred to in footnotes were accessed in April 2023.

<sup>10</sup> *Ibid.*

enforcement of competition law in support of small and medium-sized enterprises and access to digital platforms.

12. In November 2022, following up on the voluntary peer review of competition law and policy of Malawi, UNCTAD and the Competition and Free Trading Commission of Malawi held an event to disseminate the findings and recommendations in the peer review report.<sup>11</sup> UNCTAD presented a proposal for a technical assistance project to implement the recommendations and held a capacity-building workshop with officers from the Commission and, at the same event, contributed to a video on maximizing the exposure of technical cooperation activities undertaken in Malawi.

## 2. Regional and international levels

13. In June 2022, under the “Global initiative towards post-COVID-19 resurgence of microenterprises and small and medium-sized enterprises” project, UNCTAD hosted a webinar to present and discuss the draft recommended practices for digital platforms.<sup>12</sup> UNCTAD designed and conducted a five-module, self-paced online course on the interface between competition policy and the development of microenterprises and small and medium-sized enterprises, covering the interlinkages between competition policy and such enterprises, challenges faced by such enterprises, in particular with regard to market access and market positioning, access to finance by such enterprises, digitalization and inter-agency and institutional collaboration. The course targeted government officials responsible for domestic trade and microenterprises and small and medium-sized enterprises, development agency officials in the fields of competition and microenterprises and small and medium-sized enterprises, representatives of organizations of such enterprises, academics and civil society representatives; 141 participants from 41 member States in four regions took the course and UNCTAD awarded 67 certificates during a graduation ceremony held in February 2023.<sup>13</sup> The level of participation highlighted the interest of member States and the impact of UNCTAD work in this area. UNCTAD technical support promoting policies to encourage competition policy towards ensuring stronger microenterprises and small and medium-sized enterprises, to achieve economic recovery following the pandemic, led to technical cooperation requests from Armenia, El Salvador, Peru and the Philippines.

14. UNCTAD continued to work with Portuguese-speaking developing countries (Angola, Brazil, Cabo Verde, Equatorial Guinea, Guinea-Bissau, Mozambique, Sao Tome and Principe and Timor-Leste) under a technical cooperation project that has been funded by the Government of Portugal since 2020. The project builds on competition and consumer protection policies as instruments to bring together these countries to build on commonalities, to promote regional cooperation. In October 2022, UNCTAD organized a webinar to discuss best practices in competition and consumer protection policies and challenges in and perspectives on international cooperation in both fields; 55 participants (47 per cent women) attended the webinar.<sup>14</sup> The event led to requests for assistance in the design and implementation of competition legislation from Cabo Verde and Timor-Leste. Portugal announced the continuation of the project in 2023.<sup>15</sup> The ongoing work with Portuguese-speaking countries contributes to fostering competition culture in countries with limited experience in this area, favouring South–South cooperation.

15. Since 2019, UNCTAD has been providing advisory services to the secretariat of the African Continental Free Trade Area and its member States on the drafting of and negotiations on a competition protocol, as well as technical assistance to strengthen the

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<sup>11</sup> <https://unctad.org/meeting/dissemination-voluntary-peer-review-competition-law-and-policy-malawi-and-follow-technical>.

<sup>12</sup> See <https://unctad.org/meeting/webinar-harnessing-interaction-between-digital-platforms-and-msmes-recommended-practices>.

<sup>13</sup> See <https://unctad.org/meeting/graduation-ceremony-online-course-interface-between-competition-policy-and-msme-development>.

<sup>14</sup> See <https://unctad.org/meeting/webinar-competition-and-consumer-protection-policies-portuguese-speaking-countries>.

<sup>15</sup> Ibid.

capacities of the secretariat in view of the implementation of the protocol. In March 2022, UNCTAD organized a second training workshop on competition law and policy, in coordination with the Economic Commission for Africa, aimed at enhancing the understanding and capacities of officials in the secretariat of the African Continental Free Trade Area and its member States. The panel of facilitators was composed of eight experts (five women), as well as UNCTAD officers and academics. In April 2022, UNCTAD participated in the third meeting of the Committee on Competition Policy of the African Continental Free Trade Area to discuss the draft competition protocol, following which the draft guiding principles and negotiating modalities of the protocol on competition policy were recommended to the next meeting of the committee for adoption.

16. In 2020, UNCTAD, jointly with the Economic and Social Commission for Western Asia and the Organisation for Economic Co-operation and Development, launched the Arab Competition Forum, to serve as an annual knowledge-sharing platform on competition policy and enforcement for Arab member States. The forum seeks to advance advocacy for best practices in competition law and policy across the region and serves as a platform for building a regional network that can help enhance cooperation and improve governance in the region, for the achievement of the Sustainable Development Goals. In May 2022, the third Arab Competition Forum was held in Oman; discussions focused on competition and interlinkages with other economic policies and on competition developments in the region, with case studies presented by competition authorities and a focus on the latest developments in competition matters supporting young and small authorities in the region.<sup>16</sup>

17. As part of the cooperation between UNCTAD and the Latin American and Caribbean Economic System, in October 2022, the tenth annual meeting of the Working Group on Trade and Competition of Latin America and the Caribbean was held in Asunción, attended by over 80 participants from 12 countries.<sup>17</sup> The working group is the only forum that brings together government officials in charge of trade and competition in Latin America and the Caribbean to address global challenges in both areas. Discussions at the tenth meeting focused on electronic commerce (e-commerce) and the digital economy as a route to regional economic recovery. Exchanges between trade and competition officials, together with private sector representatives and members of regional bodies, resulted in concrete recommendations, including on moving towards the regulatory homogenization of the digital economy across the region.

18. In 2019, UNCTAD concluded a memorandum of understanding with the European University Institute. Since 2021, UNCTAD has contributed to strengthening the capacities of competition authorities attending annual training courses and facilitated free of charge online participation for competition experts from developing countries in courses such as the Florence Competition Programme autumn school on recent developments in competition policy, including merger control and digital market challenges.

## **B. Activities in the field of consumer protection**

### **1. National level**

19. In January 2022, UNCTAD presented the recommendations of the voluntary peer review of the consumer protection law and policy of Chile to the Constitutional Convention, as one of the recommendations in the peer review report had been to consider including consumer protection in the constitution.<sup>18</sup> Chile requested an advisory opinion on the constitutional protection of consumer rights, which noted that, based on information in the UNCTAD World Consumer Protection Map, the constitutions of 56 per cent of countries responding to the related questionnaire contained provisions on consumer protection, including the majority of countries in Latin America. The experiences of

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<sup>16</sup> See <https://acf-2022.unescwa.org/index.html>.

<sup>17</sup> See <https://unctad.org/meeting/annual-meeting-group-trade-and-competition-latin-america-and-caribbean>.

<sup>18</sup> See <https://unctad.org/meeting/dissemination-unctads-voluntary-peer-review-consumer-protection-law-and-policy-chile>.

Argentina, the Plurinational State of Bolivia, Brazil, Colombia, Mexico, Peru and Spain were analysed and two alternative texts were proposed for Chile in the light of the legal institutional traditions in the country. The draft constitution contained new provisions related to the protection of consumer rights and UNCTAD is ready to support Chile during future drafting that takes into consideration the integration of consumer rights.

20. In November 2022, UNCTAD delivered a masterclass on consumer protection at the University of Buenos Aires during an event on perspectives on consumer protection in times of crisis, reflecting on the state of consumer protection in the context of cascading crises due to the war in Ukraine, climate change and the pandemic.<sup>19</sup>

## 2. Regional and international levels

21. Since 2020, UNCTAD has been implementing a project titled “Delivering digital trading infrastructure and online dispute resolution for consumers as means to improve international trade and e-commerce”. In March 2022, UNCTAD organized a second training workshop on consumer dispute resolution for Indonesia and Thailand, aimed at analysing the wide range of experiences in applied technologies and their potentialities and advantages, to help government officials determine the landscape of emerging technologies, their use in consumer dispute resolution and challenges and best practices.<sup>20</sup> Over 100 officials participated, 86 per cent of which stated that the workshop would facilitate their daily tasks. UNCTAD finalized a report on the national framework for consumer complaints handling and dispute resolution in Indonesia and, in October 2022, the findings were discussed at a national-level webinar, with the aim of fostering cooperation between government authorities.<sup>21</sup> UNCTAD also presented the main findings and recommendations in the report to a broader audience and discussed them with representatives from the Association of Southeast Asian Nations (ASEAN), consumer associations, academia and the private sector.<sup>22</sup> One of the objectives of the project is to assist beneficiary countries in defining technical and infrastructural requirements for the development of online dispute resolution systems. UNCTAD, in cooperation with the information and technology teams from the consumer protection agencies of Indonesia and Thailand, gathered information and developed a report on the software requirements in each country, translating non-technical needs and constraints into technical requirements. As part of the project, UNCTAD organized, together with the German Agency for International Cooperation, a meeting on building online dispute resolution for consumers in Southeast Asia, at which experts presented ongoing initiatives in this area, as well as challenges in and recommendations for developing countries when designing and implementing such systems, and discussed avenues for future collaboration among interested stakeholders.<sup>23</sup>

22. UNCTAD work on online consumer dispute resolution is of importance not only for consumers, to strengthen their confidence in e-commerce, but also in the development of fairer and more reliable digital markets. The project on delivering digital trading infrastructure has attracted the attention of member States, regional organizations, civil society and academia, who note that UNCTAD should lead initiatives to discuss the resolution of disputes in cross-border consumer cases.<sup>24</sup> UNCTAD has identified good practices in consumer dispute resolution in developing countries, such as Brazil, Colombia and Mexico, including solutions to challenges faced in designing and implementing such systems at the national level. South–South cooperation has been vital in Indonesia and Thailand in overcoming difficulties in defining the processes, technologies and costs related to online consumer dispute resolution systems.

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<sup>19</sup> See <https://unctad.org/meeting/unctad-masterclass-consumer-protection-university-buenos-aires>.

<sup>20</sup> See <https://unctad.org/meeting/second-online-training-workshop-consumer-dispute-resolution-indonesia-and-thailand>.

<sup>21</sup> See <https://unctad.org/meeting/dodr-project-workshop-national-framework-consumer-complaints-handling-and-dispute>.

<sup>22</sup> See <https://unctad.org/meeting/dodr-project-webinar-consumer-dispute-resolution-indonesia>.

<sup>23</sup> See <https://unctad.org/meeting/expert-meeting-building-online-dispute-resolution-southeast-asian-consumers>.

<sup>24</sup> TD/B/C.I/CPLP/26, paragraph 19; TD/B/C.I/CPLP/32, paragraph 30.



23. UNCTAD has been implementing the United Nations Development Account project “Strengthening social protection for pandemic response”, discussing with representatives from the Ministries of Health and national consumer protection agencies of several developing countries how consumer protection policies could support the provision of health services during the pandemic and the post-crisis recovery.<sup>25</sup> In June 2022, the main findings and recommendations from a discussion paper on social infrastructure for health were presented at a webinar attended by 118 participants from Africa (24), Asia (9), Europe (41), Latin America and the Caribbean (15), the Middle East and North Africa (18) and North America (11).<sup>26</sup> UNCTAD contributed to the immediate global response to the pandemic in two different areas, namely, with regard to the health crisis and the economic crisis. With regard to health, the project aimed to draw upon national examples of consumer protection principles and best practices, through contributions by member States, to identify challenges and successful examples. Outputs focused on the infrastructure of services, including the interface between health-care services and financial support, and the promotion of consumer rights.

24. UNCTAD has been working on consumer product safety since 2018 by convening an informal working group, to highlight best practices in order to facilitate information exchanges and consultations. Many countries are dealing with increases in imported consumer products and related challenges in ensuring that such products are safe. To discuss this and other related issues, UNCTAD held several events during the reporting period, including, in April 2022, an online workshop titled “Protecting consumers from unsafe products through import surveillance and cooperation with customs”, at which product safety officials from member States shared experiences in identifying and stopping unsafe imported products and in cooperating with national customs authorities.<sup>27</sup> Also in April, UNCTAD, jointly with Consumers International, organized a webinar titled “Trust in cross-border e-commerce: The case for consumer product safety”, at which a policy framework in pursuit of a common agenda for enhancing consumer information and data-sharing on product safety in online markets was discussed, as a way to help digital markets be more trustful, transparent and fair.<sup>28</sup>

25. Following on from two workshops on product safety held in 2020 and 2021, in November 2022, UNCTAD organized a third workshop, jointly with the European Commission, titled “Civil society and consumer product safety” that addressed the role of civil society in strengthening consumer product safety and focused on the role of youth and the next generation of product safety ambassadors.<sup>29</sup> Speakers agreed that consumer organizations had a multiplier effect when it came to product safety and that they should form a bridge between authorities and consumers. The European Commission International Product Safety Week gathered over 600 participants from 73 countries.

26. In the context of close cooperation with Latin American countries on consumer protection, UNCTAD organizes the annual International Forum for Consumer Protection of UNCTAD and the Competition and Consumer Protection Policies for Latin America programme. In April 2022, the eleventh international forum was held on the theme of “Promoting sustainable consumption for the achievement of the Sustainable Development Goals”, co-organized with the Secretariat for the Defence of Consumers and Users of Paraguay. In November 2022, the twelfth international forum was co-organized with the Ministry of Economy of Argentina; discussions focused on consumer protection and digital

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<sup>25</sup> See <https://unctad.org/project/strengthening-social-protection-pandemic-responses-identifying-vulnerable-aiding-recovery>.

<sup>26</sup> See <https://unctad.org/meeting/webinar-launch-report-social-infrastructure-health-and-consumer-protection-times-covid-19>.

<sup>27</sup> See <https://unctad.org/meeting/workshop-protecting-consumers-unsafe-products-through-import-surveillance-and-cooperation>.

<sup>28</sup> See <https://unctad.org/meeting/trust-cross-border-e-commerce-case-consumer-product-safety>.

<sup>29</sup> See <https://unctad.org/meeting/european-commission-unctad-workshop-civil-society-and-consumer-product-safety>.

platforms, including online dispute resolution and overindebtedness and consumer protection.<sup>30</sup>

## C. Activities co-organized by UNCTAD

27. The UNCTAD technical cooperation strategy states: “At the inter-institutional level, UNCTAD will seek to strengthen cooperation and increase joint activities with other agencies providers of trade and investment technical assistance, and in particular with the entities forming part of the United Nations Inter-Agency Cluster on Trade and Productive Capacity, as well as the World Bank and other intergovernmental institutions, including regional and subregional institutions. The main goal of UNCTAD cooperation with other providers of trade and investment technical cooperation will be to maximize the impact of operations and increase the complementarities between institutions.”<sup>31</sup> UNCTAD works on competition and consumer protection issues with the Economic Commission for Africa, the Economic Commission for Europe, the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific and the Economic and Social Commission for Western Asia and with development banks at the national, regional and international levels.

### 1. National level

28. In March 2022, under the framework of the UNCTAD and World Bank letter of understanding on promoting competition law and policy in developing countries, UNCTAD, in cooperation with the Competition Council of Morocco, organized a training course to raise awareness of competition law and policy among the media, which are instrumental in conveying to the general public the benefits of competitive markets and in promoting a competition culture. Exchanges during the course demonstrated that media in Morocco are familiar with competition law and policy and well informed about the activities of the Competition Council, setting a high standard for the region. In October 2022, UNCTAD, in cooperation with the Competition Council, organized a training course for the judiciary covering competition law enforcement issues from the viewpoint of judiciaries, such as legal frameworks, dominant positions, inspections, leniency programmes, scope of review of administrative decisions and sanctions and calculation methods of fines.<sup>32</sup> The President Delegate of the Supreme Council of the Judicial Power stated that the courses showed promising prospects for the generalization and unification of the application of competition law, given the role of the judiciary in consolidating good governance, achieving judicial and economic security and establishing the rule of law.

29. In June 2022, UNCTAD, in cooperation with the European Bank for Reconstruction and Development, organized a training course for judges from North Macedonia on the application of competition law, covering inspections, sanctions and the revision of resolutions issued by the competition authority.

### 2. Regional and international levels

30. In September 2022, UNCTAD co-organized with the Economic Commission for Latin America and the Caribbean a webinar on the implementation of ex ante measures and good practices for digital platforms in the region, presenting and discussing the UNCTAD draft recommended practices for digital platforms, including the principles and commitments that platforms should respect in relationships with microenterprises and small and medium-sized enterprises.<sup>33</sup>

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<sup>30</sup> See <https://unctad.org/meeting/twelfth-compal-international-consumer-protection-forum-latin-america>.

<sup>31</sup> TD/B/69/4/Add.1, paragraph 20 (b).

<sup>32</sup> See <https://www.cspj.ma/en/actualites/details?idact=10643>.

<sup>33</sup> See <https://unctad.org/meeting/implementation-ex-ante-measures-and-good-practices-digital-platforms-latin-america-and>.

## D. Other activities

31. In 2022, UNCTAD intervened on key topics and current challenges related to competition law and policy at several events organized by the competition authorities of developed and developing countries and other partners, as follows:

(a) Japan International Cooperation Agency, workshop to exchange views between stakeholders on competition law in Africa (February);

(b) Spain National Commission on Markets and Competition and Colombia Superintendency of Industry and Commerce, International Competition Network advocacy workshop on “Enabling effective international enforcement cooperation through collaborated advocacy initiatives” (February);

(c) Economic Commission for Africa, in collaboration with the Southern African Development Community Business Council, event on regional impact of the pandemic on microenterprises and small and medium-sized enterprises in Southern Africa, including competition policy in promoting the development of such enterprises (February);

(d) Africa-European Union Competition Week, organized by the European Commission, keynote on “UNCTAD technical cooperation on competition law and policy in Africa: Challenges and opportunities” (February);

(e) United States of America Bar Association, Antitrust Law Section seventieth annual spring meeting, sessions on “Clash of the global titans: Privacy versus competition?” and “The intersection of competition law and data protection: International experiences” (April);

(f) Germany Federal Cartel Office, International Competition Network Annual Conference, session on “Anti-cartel enforcement in the next decade: Priorities and new trends looking beyond the pandemic” (May);

(g) Greece Competition Commission, Athens Competition Law and Policy Forum, session on “Food price hikes, global food value chains and the resilience of the global food system: Implications for competition law enforcement” (June);

(h) Brazil Mackenzie Presbyterian University, lectures on “Digital markets, competition and data protection” and “Competition and development” (September);

(i) Peru National Institute for the Defence of Competition and Intellectual Property Protection, seminar on competition day (September);

(j) Lear Competition Festival, Rome, session on “Latest competition law and policy developments regarding digital markets: Views from key developing countries”, featuring speakers from Brazil Administrative Council for Economic Defence, India Competition Commission and South Africa Competition Commission (September);

(k) Honduras National Competition Day, session on “Disruptive technologies and competition” (September);

(l) Eurasian Antitrust Forum VIII, session on “Protecting and supporting competition in a changing reality” (October);

(m) Mexico Federal Telecommunications Institute, eighth International Conference on Challenges to Competition in the Digital Environment, session on “The importance of international cooperation between competition agencies and with other regulatory authorities” (October);

(n) Paraguay National Competition Day, session on “Abusive conduct in competition law” (October);

(o) Georgian Competition Agency, International Conference on Competition and Consumer Protection in the Context of the COVID-19 Crisis, keynote intervention on “The impact of competition and consumer rights protection on welfare and development” (November);

(p) Guatemala Ministry of Economy, Latin American and Caribbean Competition Forum, session on regional integration and competition (November);

(q) El Salvador Superintendency of Competition, Latin American and Caribbean Competition Forum, session on “Competition in the maritime transport sector” (November);

(r) Consumer Unity and Trust Society International and World Trade Organization, World Competition Day event on competition policy and climate sustainability (December);

(s) Kuwait Conference on “Promoting Competition: Challenges and Ambition”, sessions on “Importance of protecting and advocating competition and competition-related subjects and matters” and “Competition policy and microenterprises and small and medium-sized enterprises” (December);

(t) Angola Competition Authority, Third Conference on Competition and Regulation, session on “Perspectives of competition protection for economic development” (December);

(u) Republic of Korea Fair Trade Commission, Second Virtual International Competition Workshop, session on “Competition law and policy: Recent developments and major cases of the impact of the pandemic on microenterprises and small and medium-sized enterprises (December);

(v) Angola Competition Authority, meeting of the Lusophone Competition Network (December);

32. In 2022, UNCTAD intervened on key topics and current challenges related to consumer protection law and policy at several events organized by the consumer protection agencies of developed and developing countries and other partners, as follows:

(a) Consumers International, Fair Digital Finance Forum, launch of global consumer protection and empowerment index (March);

(b) South Africa Consumer Commission, World Consumer Rights Day, colloquium on “Sustainable consumption: Is it safe for you and the environment?” (March);

(c) Complutense University of Madrid, fashion industry social forum on fashion, sustainability and climate change (March);

(d) Portugal Directorate General for Consumers, webinar on alternative dispute resolution for members of the International Consumer Protection and Enforcement Network (March);

(e) Brazil Institute for Studies on Competition, Consumption and International Trade, seminar on environmental, social and governance matters in consumption relations (May);

(f) International Law Association, meeting of Committee on International Protection of Consumers on “COVID-19 and the international protection of consumers: Challenges or chances” (June);

(g) Consumers International, workshop on sustainable consumption and energy use (September);

(h) Community of Portuguese-Language Countries, event on the eleventh anniversary of the strategy for food and nutrition security (October);

(i) Argentina National Directorate for Consumer Defence and Consumer Arbitration, Ibero-American Forum of Consumer Protection Agencies, dialogue on gender and consumption (October);

(j) Brazil Congress of Consumer Law XVI session, on global challenges for consumer protection (November);

(k) ASEAN and United States Patent and Trademark Office, workshop on intellectual property, consumer protection and unfair business practices (November);

(l) Switzerland Service for European, Regional and Federal Affairs, meeting on trade and consumers in France and Switzerland (November);

(m) Chile Organization of Consumers and Users, “Basic household services: Regulatory challenges and consumer protection” regional conference (November);

(n) Peru National Institute for the Defence of Competition and Intellectual Property Protection, annual “Citizens to the fore” prize (November).

### III. Voluntary peer reviews in 2022–2023

33. This chapter provides an overview of the UNCTAD voluntary peer reviews<sup>34</sup> facilitated in 2022–2023. As at January 2023, reviews of 32 jurisdictions on competition law and policy<sup>35</sup> and 5 jurisdictions on consumer protection law and policy have been completed.

#### A. Voluntary peer review of competition law and policy: Bangladesh

34. The voluntary peer review of the competition law and policy of Bangladesh was held during the twentieth session of the Intergovernmental Group of Experts on Competition Law and Policy. Representatives of the Governments of India, the Philippines and South Africa acted as peer reviewers.

35. In the peer review report, substantive competition law issues were addressed, including anticompetitive agreements, abuse of dominance, control of mergers and acquisitions and private enforcement, as well as unfair trading for consumers.<sup>36</sup> The report addressed institutional issues related to the autonomy of the competition commission and investigative tools. In addition, the report discussed the role of competition in supporting microenterprises and small and medium-sized enterprises in Bangladesh. Recommendations included proposals on the amendment of the current competition law, including with regard to the sufficient allocation of resources and operational independence, as well as on the training of staff in international best practices, for example with regard to strategy-setting and the prioritization of activities.

36. The peer reviewers asked the delegation of Bangladesh about factors taken into consideration in determining relevant markets; market share considerations with regard to infringements; independence and accountability; and merger notification criteria. The Head of the Delegation of Bangladesh addressed the challenges particular to new enforcement regimes, jurisdictional boundaries and relationships with sectoral regulators, as well as the role of competition policy in the economic development landscape, particularly with regard to the small business community.

37. UNCTAD subsequently presented a proposal for a technical assistance project to implement the peer review recommendations. The project would aim at building human and institutional capacity, to improve competition enforcement through training, evidence-gathering and documentation management.

#### B. Voluntary peer review of consumer protection law and policy: Thailand

38. The voluntary peer review of the consumer protection law and policy of Thailand was held during the sixth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy. Representatives of the Governments of Mexico and Sweden, and from academia, based in South Africa, acted as peer reviewers.

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<sup>34</sup> See UNCTAD, 2020, *UNCTAD Toolbox: Delivering Results* (United Nations publication, Sales No. E.20.II.D.5, Geneva).

<sup>35</sup> Including two reviews of the West African Economic and Monetary Union, one tripartite review of the United Republic of Tanzania, Zambia and Zimbabwe, and one bipartite review of Fiji and Papua New Guinea.

<sup>36</sup> See <https://unctad.org/webflyer/voluntary-peer-review-competition-law-and-policy-bangladesh>.

39. In the peer review report, the political, economic and social context of the review was outlined, as well as the legislative, policy and institutional frameworks for consumer protection in Thailand.<sup>37</sup> The report noted the focus of the existing consumer dispute resolution process on alternative and online dispute resolution, concluding that with over 40 years of experience in consumer protection law and policy, Thailand had a comprehensive legislative and institutional structure for consumer protection, comprising several different authorities. Recommendations included proposals on unifying the definition of a consumer across different bodies and expanding it to address the needs of vulnerable and disadvantaged consumers; adapting laws and policies to the unique features of e-commerce; and the importance of establishing offices of the Consumer Protection Board in all provinces, to reach rural areas. In addition, with regard to the consumer dispute resolution system, recommendations aimed at improving coordination, the standardization of procedures, training, audits and guidance for consumers.

40. The peer reviewers asked questions on the functioning and impartiality of the Office of the Consumer Protection Board, the roles of case officers and the coordination of consumer protection policies across agencies. In response, the Permanent Secretary, Office of the Prime Minister, Thailand, explained that the Board had a complex role and remained neutral during mediation; explained the dual duties of case officers acting as agents in mediation processes and as investigators if mediation failed; and highlighted the overall plan for national consumer protection, which provided guidelines for agencies and convened regular meetings.

41. UNCTAD subsequently presented a proposal for a technical assistance project to implement the peer review recommendations on improving the legislative and institutional frameworks for consumer protection.

### **C. Working group on modalities of UNCTAD voluntary peer reviews**

42. The UNCTAD working group on modalities of UNCTAD voluntary peer reviews of competition and consumer protection laws and policies was established by the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, to review the methodological guidelines for UNCTAD voluntary peer reviews. The Intergovernmental Group of Experts on Competition Law and Policy, at its twentieth session, welcomed the revised methodological guidelines and decided to discontinue the working group.

### **D. Upcoming voluntary peer reviews**

43. Paraguay volunteered for a peer review of competition law and policy in 2023. In October 2022, with the assistance of the Competition Authority, UNCTAD conducted a fact-finding mission to gather information on legal and institutional frameworks.

44. Gabon volunteered for a peer review of consumer protection law and policy in 2023. The Government of Gabon and UNCTAD launched the self-funded peer review at a public event held in Libreville in December 2022, which included government officials, industry representatives, consumer groups and academia, and aimed to raise awareness about the peer review and encourage the improvement of national policies and enforcement mechanisms.<sup>38</sup>

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<sup>37</sup> See <https://unctad.org/publication/voluntary-peer-review-consumer-protection-law-and-policy-thailand>.

<sup>38</sup> See <https://unctad.org/meeting/kick-voluntary-peer-review-consumer-protection-law-and-policy-gabon>.

## IV. Future activities

45. Technical assistance is an important aspect of the work of UNCTAD in the field of competition and consumer policies and has contributed to significant results to date. The increased number of formal requests for technical assistance and capacity-building from developing countries in 2022 served to highlight the expertise and relevance of the services delivered by UNCTAD. The rapid adjustments by and flexibility of the Competition and Consumer Policies Branch under this pillar of work since 2020 have allowed UNCTAD to respond to member State requests fully and quickly and to address needs and challenges in the best possible manner. In addition, hybrid events have allowed for broader attendance and for experts from around the world to participate in panel discussions.

46. In 2022, UNCTAD received 44 formal requests for technical cooperation, representing an indicative financing need of over \$9.7 million.<sup>39</sup> However, given finite resources, it is an ongoing challenge to address all requests. With regard to technical assistance in the area of competition and consumer protection, in 2022, 60 per cent of formal requests remained unaddressed due to lack of funds. There is a need for additional resources to address outstanding requests, in particular from the least developed countries.

47. Since 2020, UNCTAD technical cooperation activities have aimed to use competition and consumer protection policies to help address the impact of the pandemic and to identify the role of policies in both areas in times of crisis, including in consideration of the ongoing cost-of-living crisis. The draft UNCTAD programme plan and performance information for the year 2024 states: “As requested in the Bridgetown Covenant, UNCTAD will continue to support countries, through technical cooperation, in addressing the challenges exacerbated or revealed as a result of the COVID-19 pandemic and build their resilience to future economic shocks by building productive capacities, develop the capacity of Governments to formulate and implement policies on financing for development, investment, international trade, science and technology and logistics, and support sustainable development in line with an updated technical cooperation strategy and toolkit. UNCTAD will continue to support its engagement with beneficiaries and collaborations with relevant regional bodies and partners in Africa through its Regional Office for Africa.”<sup>40</sup>

48. UNCTAD has been exploring synergies between technical cooperation and the two other pillars of its work, namely research and analysis and consensus-building. This synergy is illustrated in the voluntary peer reviews of competition and consumer protection laws and policies, which combine elements of all three pillars in assessing the features of legal and institutional frameworks, enforcement records and perceptions of the laws and policies by relevant stakeholders; and which identify major procedural, administrative and legislative changes that might be necessary for more effective law enforcement and for the optimal functioning of competition and consumer protection authorities. In addition, the peer reviews provide insights into country-specific constraints, including political and economic challenges that restrict effective enforcement of the relevant laws. The presentation and discussion of the peer review report is usually followed by the dissemination of the findings and recommendations at the national level and by technical cooperation projects led by UNCTAD, to support the implementation of recommendations.

49. Efficient markets are indispensable for the achievement of the 2030 Agenda for Sustainable Development. Competition and consumer protection are two disciplines that directly affect business opportunities and consumer welfare; related policies play a direct and essential role in promoting sustainable and inclusive economic growth and poverty reduction, underlining the need for complementarity in design and implementation. It is important to continue to promote synergies between the two policy areas, to create a competitive business environment that benefits both consumers and enterprises and in dealing with challenges and opportunities in the digital economy. UNCTAD will further explore how competition and consumer protection policies can contribute to sustainability.

<sup>39</sup> See <https://unctad.org/projects/formal-requests-for-technical-cooperation>.

<sup>40</sup> TD/B/WP(85)/INF.1, paragraph 12.9.

50. UNCTAD has been increasingly engaging in joint work with the regional commissions and other international organizations and been in contact with resident coordinators, to further explore inter-agency collaboration given experience in the field in order to better assist developing countries.

51. Finally, UNCTAD will continue its ongoing work assisting the regional economic organizations of developing countries in developing competition and consumer protection rules and principles and enforcing them, in collaboration with national authorities. Regional cooperation is supportive of young and small competition authorities and consumer protection agencies and, in particular, South-South cooperation. This work is expected to increase, particularly in Africa and Central America.

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