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**REVIEW OF CAPACITY-BUILDING AND TECHNICAL ASSISTANCE ON
COMPETITION LAW AND POLICY**

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building and technical assistance on competition law and policy to developing and transition countries in accordance with requests received and resources available. The activities include both national and regional assistance in drafting competition laws and application guidelines, as well as institutional capacity for better implementation of competition laws. They also cover competition advocacy for the creation of a competition culture and the promotion of consumer welfare. This document is a progress report on the activities carried out during 2006. The document contains information provided by member States and international organizations on technical cooperation activities provided or received, bilaterally or multilaterally, in the area of competition law and policy.

CONTENTS

INTRODUCTION	3
I. PROGRESS REPORT ON UNCTAD CAPACITY-BUILDING AND TECHNICAL COOPERATION ACTIVITIES.....	3
A. Activities extended to individual countries.....	7
(a) <i>Competition Advocacy</i>	7
(b) <i>Assistance in the preparation of national competition laws</i>	7
(c) <i>Training of competition case handlers</i>	8
(d) <i>Institution- building</i>	8
(e) <i>Consumer protection</i>	9
(f) <i>Peer reviews and follow-up</i>	9
B. Regional and subregional activities	10
C. Participation in seminars and conferences	11
II. INFORMATION ON CAPACITY-BUILDING AND TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS.....	13
A. Assistance provided, planned or received.....	13
B. Requests for assistance.....	22

INTRODUCTION

1. The United Nations Set of Principles on Competition, adopted by the General Assembly in 1980 (General Assembly resolution 35/63 of 5 December 1980-TD/RBP/CONF.10/Rev.2), calls on UNCTAD and its member States in Section F, paragraphs 6 and 7, to provide technical assistance and advisory and training programmes on restrictive business practices, particularly for developing countries. The Fifth United Nations Conference to Review All Aspects of the Set, in paragraph 4 of its resolution (TD/RBP/CONF.6/14), noted with appreciation the voluntary financial and other contributions received for capacity-building and technical cooperation and invited all member States to continue their assistance to UNCTAD on a voluntary basis with its technical cooperation by providing experts, training facilities and resources. This mandate was also reiterated in the São Paulo Consensus (TD/410) and by the Fifth Review Conference (TD/RBP/CONF.6/15).

2. Subsequently, in the agreed conclusions of the seventh session of the Intergovernmental Group of Experts on Competition Law and Policy, or IGE (October–November 2006, TD/B/COM.2/CLP/57), member States encouraged developing countries to consider establishing the competition laws and frameworks best suited to their development needs, with due consideration of the objectives of their national policies and capacity constraints. The IGE further requested the secretariat to report on technical assistance and capacity-building at the eighth session, scheduled for 17 to 19 July 2007.

3. Accordingly, this note contains information on the capacity-building and technical cooperation activities of the UNCTAD secretariat in 2006, as well as information provided by member States and international organizations to UNCTAD on technical cooperation activities in the field of competition law and policy.¹

I. PROGRESS REPORT ON UNCTAD CAPACITY-BUILDING AND TECHNICAL COOPERATION ACTIVITIES

4. UNCTAD is the focal point for all activities related to competition policy and consumer protection within the United Nations system as part of its work on trade and development. The mandate, which dates from the adoption of the UN Set of Principles on Competition in 1980, has as its primary objective “to ensure that restrictive business practices do not impede or negate the realization of benefits that should arise from liberalization of tariff and non-tariff barriers affecting world trade, particularly those affecting the trade and development of developing countries”. The UN Set also recognizes that the basic norms of competition law, which have long been in use in developed countries, should extend to the operations of enterprises, including TNCs, in developing countries.

5. Despite a general widespread trend towards the adoption, reformulation or better implementation of competition laws and policies in developing and transition countries,² many of these countries still do not have up-to-date competition legislation or adequate institutions for their effective enforcement and rely to a large extent on UNCTAD capacity-building.

¹ In reply to note UNCTAD/DITC/CLP/MISC/2006/4 of 1 December 2006.

² Competition laws have been adopted by over 100 countries, of which 57 are developing countries.

6. UNCTAD technical cooperation activities aim to help developing countries, including both LDCs and transition countries, to formulate and review competition policies and legislation and to implement competition laws by building national institutional capacity, promoting the creation of a competition culture among government officials, the private sector, consumers and academics, supporting regional cooperation on competition policy and helping countries and regional groups to better formulate the modalities and forms of regional cooperation on competition issues that are supportive to trade, investment and development.

7. Assistance is granted in accordance with requests received, the needs of countries concerned and resources available. It takes the following main forms: (a) provision of information about anticompetitive practices, including studies on these practices in a specific country; (b) introductory seminars on the role of competition in promoting development; (c) assistance to countries or regional organizations in the process of drafting competition legislation; (d) advisory services for the establishment or enforcement of competition authorities; (e) seminars and workshops for countries wishing to enforce competition legislation or exchange information; (f) assistance to countries or regional organizations wishing to revise their competition legislation; (g) conduct of voluntary peer reviews of competition law and policies of interested countries; (h) assistance to countries with a view to helping them better evaluate the implications of regional and bilateral cooperation on competition issues; and (i) assistance in identifying the role of competition policy in the promotion of competitiveness and development, the need for a development-oriented competition policy and its implications at the national, regional and international levels, as well as strategies for international cooperation in this area.

8. The main capacity-building and technical cooperation activities of the UNCTAD secretariat in 2006 are described below:

Summary of countries' requests met with UNCTAD technical assistance in 2006

Requestor/ beneficiary	Introductory seminars	Activities related to drafting or reviewing of laws	Peer Reviews and follow-up	Institutional building	Advocacy activities	Consumer protection	Training of local officials	Regional cooperation activities
Afghanistan		x						
Angola		x					x	
Barbados								x
Benin					x		x	x
Bhutan		x				x		
Bolivia					x			
Botswana		x			x			
Brazil					x		x	x
Burkina Faso							x	x
Cambodia		x						x
Cape Verde								x
Chad	x	x			x			
Colombia								x
Costa Rica		x				x		x
Côte d'Ivoire							x	x
Egypt		x		x	x	x		
El Salvador					x	x		x
Guinea-Bissau							x	x
Indonesia							x	
Jamaica			x					x
Jordan					x			
Kenya		x	x	x			x	x
Korea, Rep. of					x			x
Laos		x			x	x	x	
Lesotho		x						x
Malawi					x		x	
Malaysia		x						x
Mali							x	x
Mozambique		x						x
Namibia					x			x
Nicaragua		x					x	x

Requestor/ beneficiary	Introductory seminars	Activities related to drafting or reviewing of laws	Peer Reviews and follow-up	Institutional building	Advocacy activities	Consumer protection	Training of local officials	Regional cooperation activities
Niger							x	x
Oman					x	x	x	x
Peru					x	x		
Sao tome and Principe								x
Saudi Arabia		x		x			x	
Senegal							x	x
South Africa					x			x
Saint Lucia						x		x
Sudan		x						
Swaziland		x						
Timor-Leste								x
Togo							x	x
Trinidad and Tobago				x				x
Tunisia			x					
Turkey					x			x
Uganda		x						

A. ACTIVITIES EXTENDED TO INDIVIDUAL COUNTRIES

9. In 2006, UNCTAD continued its demand-driven efforts to assist with the creation of competition culture in developing countries. The number of different country-related technical cooperation activities provided by UNCTAD was as follows: introductory seminars - 1; other competition advocacy activities - 16; preparation of competition legislation - 16; training of case handlers - 16; institution-building - 4; consumer protection - 7; peer reviews and follow-up - 3. In addition, 30 countries benefited from activities provided within the framework of regional cooperation.

(a) Competition Advocacy

10. UNCTAD's various advisory and training activities were combined with or provided through different seminars, workshops, consultative meetings and activities directed at stakeholders, including government officials, academics and regulators, as well as business and consumer representatives. These activities contribute to raising awareness about the role of competition and promoting a competition culture. Thus, a National Competition Seminar was co-hosted by UNCTAD and the Ministry of Commerce from 24 to 26 January in Ndjamena (Chad). Consultations were held with government officials on the benefits of adopting a competition law and UNCTAD provided comments on a draft competition bill, drawing on the Model Law and its Commentaries. In Peru, UNCTAD held a seminar on status of competition in selected sectors (financial services, insurance, health and energy) in cooperation with the Peruvian competition authorities from 8 to 9 February in Lima. In the West African Monetary Union (UEMOA), five national training seminars on the implementation of the UEMOA common competition rules were staged in cooperation with the secretariat of UEMOA in five member States: 29 May–2 June, Niamey (Niger); 5-9 June, Dakar (Senegal); 3-7 July, Ouagadougou (Burkina Faso); 11-15 September, Bamako (Mali) and 20-21 November, Cotonou (Benin). In Jordan, the Second National Competition Conference was organized jointly with the Jordanian Competition Directorate and the Korea International Cooperation Agency (11-12 December), while a workshop on "Abuse of Dominance and Anti-Competitive Agreements" was co-hosted with the Jordanian Competition Directorate from 13 to 14 December in Amman. Within the framework of the COMPAL programme, advocacy seminars on competition were run in El Salvador.

(b) Assistance in the preparation of national competition laws

11. Within the framework of efforts to help countries draft and/or review their competition legislation, assistance was provided to Botswana with the preparation of a Competition Bill via a consultative meeting for stakeholders that took place from 1 to 3 March. A second meeting (15-16 June) was held between Members of the Reference Group, Ministry of Trade and Industry Officials, the Attorney General's Office and stakeholders to discuss the draft Competition Bill 2006 and the corresponding application guidelines. The draft bill was subsequently finalized and submitted to the National Assembly in November. In Cambodia, a consultative meeting to review the Competition Bill was organized by UNCTAD together with the Ministry of Commerce from 3 to 5 July in Phnom Penh, and the revised draft was submitted to the Ministry of Commerce in September. In Mozambique, UNCTAD

has prepared two reports – a competition policy framework report and an economic and legal analysis of the status of competition as well as a competition policy framework that served as a basis for the formulation of a Competition Policy Terms of Reference for the preparation of a Competition Law. UNCTAD also provided advice regarding the draft competition legislation of Afghanistan and Sudan. A meeting to discuss the newly adopted Competition Law and its application guidelines for Saudi Arabia was held in Riyadh from 25 to 29 September. In this connection, UNCTAD provided commentaries on the law and made proposals for the preparation of secondary legislation. UNCTAD continued its ongoing assistance to Malaysia with the preparation of the draft Competition Law and related application guidelines. The final draft law was reviewed from 15 to 18 August at a meeting held in London with the consultants and the representatives of the Government. Assistance to Swaziland with the fine-tuning of the final version of the Competition Law was provided in the summer of 2006. A review meeting of the report on the status of competition and a stakeholders' meeting were held in Uganda.

Relationship between competition law and other development policies

UNCTAD assistance to Botswana, Cambodia and Mozambique with the preparation of a competition policy framework, a first step towards the formulation of competition law and policy, helped the three Governments to appreciate the interface between competition law and policy and other government policies, including privatization, regulatory reforms, trade liberalization, investment regimes and the need to address development and poverty reduction concerns.

In addition, this capacity-building provided for the formulation of national competition laws, drew attention to the need to ensure coherence between the creation of a competition culture and other objectives pursued by the Government, and underscored the importance of putting in place well-functioning commercial courts and judicial reviews for the effective enforcement of competition law.

(c) Training of competition case handlers

12. Within the framework of training activities for competition case handlers, a judicial seminar was held in cooperation with the Commission for the Supervision of Business Competition and the Supreme Court of Indonesia from 13 to 14 June in Bali (Indonesia). A national seminar for judges and other adjudicators was co-hosted with the Ministry of Trade and Private Sector Development from 27 to 28 March in Mangochi (Malawi). In addition, three national workshops were co-hosted with the Malawi Competition and Fair Trade Commission from 19 to 22 September in Lilongwe and Blantyre for parliamentarians, sector regulators and professional associations. Their aim was to clarify the objectives of the Competition Law and the ways the MCFTC intends to apply the Law. A course on competition law and policy for government officials was given in Angola.

(d) Institution- building

13. UNCTAD assists newly established competition agencies through institution-building. In this area, UNCTAD has cooperated with the US Department of Commerce's Commercial Law Development Programme in organizing an intensive training course for the recently

recruited staff of the Egyptian Competition Agency, which was held from 12 to 14 September 2006 in Cairo. Saudi Arabia was assisted with the preparation of a report on the institutional framework for the establishment of a competition agency and the organization of a workshop for the newly appointed commissioners to review the report and prepare internal proceedings. Assistance was also provided to Kenya with the internal restructuring of its competition Commission. In Trinidad and Tobago, UNCTAD began work on the institutional framework for establishment of the Fair Trade Commission. This report is to be submitted to Government in April 2007 and discussed at a national stakeholders meeting in June 2007.

(e) Consumer protection

14. In the area of consumer protection, two national workshops on consumer protection issues were held by UNCTAD together with the Ministry of Trade and Industry of Bhutan from 1 to 3 February and from 28 to 29 June in Paro, Thimphu and Chukha Dzongkhag (Bhutan). In addition, two national consultative meetings to review the Consumer Protection Law and unfair trade practices took place from 26 to 29 June in Thimphu and Chukha Dzongkhag (Bhutan). At the international level, UNCTAD cooperated with Consumer International's Regional Office for Asia and the Pacific (CIROAP) in preparing a study on "Alternative dispute resolution systems for consumer protection cases". The report was presented at a conference held in Jakarta from 5 to 7 November 2006. In the context of assisting the Caribbean countries with the enforcement of national and regional consumer protection issues, a regional Workshop on Investigating Consumer Complaints for CARICOM member States was held in Saint Lucia from 27 to 29 November. Within the framework of the COMPAL programme, a consumer protection workshop was organized in El Salvador and a decentralized enforcement system of consumer protection was formulated in Peru.

(f) Peer reviews and follow-up

15. The seventh session of the Intergovernmental Group of Experts on Competition Law and Policy (Geneva, 31 October – 2 November 2006) provided a framework within which the Voluntary Peer Review on Competition Law and Policy of Tunisia was held. It resulted in several recommendations regarding how the application of the legislation in that country might be made more effective. To assist the Kenyan Monopolies and Prices Commission in disseminating the results and implementing the recommendations of the Peer Review held in Antalya (Turkey) at the Fifth UN Conference on Competition in November 2005, two consultative shareholders' workshops were co-organized by UNCTAD and the Commission from 5 to 6 June in Nairobi and from 8 to 9 June in Mombasa. Also, study tours in four different countries were conducted within the framework of the review of the Restrictive Trade Practices, Monopolies and Price Control Act. In order to promote South–South cooperation and the exchange of best practices, three of these study tours for Kenyan competition officials were conducted in the Zambian, Indonesian and South African competition agencies and one visit was organized to the UK Office of Fair Trading and the Competition Commission. A resource centre at the Monopolies and Prices Commission in Nairobi was also established, as recommended in the UNCTAD peer review. Three sectoral studies on status of competition have been launched and are in progress.

B. REGIONAL AND SUBREGIONAL ACTIVITIES

16. During 2005-2006, UNCTAD's technical cooperation and capacity-building activities were increasingly provided within the framework of regional and subregional groupings. Thus, in cooperation with the International Development Research Centre (IDRC) of Canada, UNCTAD organized a series of regional cooperation seminars in Turkey, Republic of Korea, South Africa and Brazil on competition law and policy as a tool for development and integration. These included the following events: (a) the International Conference on Competition Provisions in Regional Trade Agreements, co-organized with Yeditepe University and IDRC on 31 July–1 August in Istanbul (Turkey); (b) the Eleventh International Workshop on Competition Policy organized by UNCTAD and the Korea Fair Trade Commission in Busan (Republic of Korea) from 6 to 7 September; (c) the regional workshop held by UNCTAD and the Trade Law Centre for Southern Africa (TRALAC) in Cape Town, South Africa on 4 October and (d) the Seminar on Competition Law and Policy in Latin America, organized by UNCTAD and the Fundação Getulio Vargas School of Law on 30 November – 1 December in Sao Paulo, Brazil. The aim of these seminars was to disseminate widely the report's findings to member States and regional trade groupings.

17. COMPAL (Competition and Consumer Protection Policies for Latin America) is a regional programme covering Bolivia, Costa Rica, El Salvador, Nicaragua and Peru that is funded by the Swiss Government. During 2006, the COMPAL programme assisted the beneficiary countries by producing in-depth sectoral studies on the status and conditions of competition in key markets in Bolivia, El Salvador, Nicaragua and Peru; provided assistance with the adoption of the Competition Law in Nicaragua; helped prepare legal reforms as well as competition and consumer protection guidelines in Costa Rica; and co-organized academic programmes with local universities in Nicaragua and Costa Rica. The programme also contains an internship programme for competition officials from participating countries, which was organized at the Swiss competition agency. In addition, study tours in Mexico, Peru and Chile were run for the benefit of Nicaragua. A monitoring meeting of the COMPAL Programme for the Central American beneficiary countries was held in cooperation with the Ministry of Industry and Trade from 30 to 31 January in Managua (Nicaragua).

18. Assistance was provided to OECS, a subgroup of CARICOM comprising smaller island countries, with the formulation of the CARICOM Community Competition Rules. In this context, assistance relating to the review and finalization of these rules was also provided to CARICOM in the context of a regional OECS Meeting held in Saint Lucia on 30 November.

19. The eight UEMOA members were assisted with the implementation on common competition rules (see the section on Competition advocacy). Thanks to UNCTAD's assistance, links were created between the UEMOA Commission and member States in the fields of effective enforcement of community competition rules, identification of areas of concern for national competition authorities and sector regulators, and the need to conduct an in-depth peer review of competition policy for UEMOA and its member States. In this connection, four regional seminars on UEMOA community competition rules were held in Abidjan (Côte d'Ivoire) from 28 to 30 June, in Lomé (Togo) from 7 to 9 August, in Bissau (Guinea Bissau) from 2 to 5 October and in Cotonou (Benin) from 22 to 24 November. These

seminars were organized jointly with the UEMOA secretariat and were designed to assist UEMOA members in strengthening their capacities to enforce the community competition rules.

20. UNCTAD continued its assistance to the Southern African Customs Union (SACU) with the preparation of common rules for competition policy and unfair trade practices. A series on national consultative and information-gathering workshops for the development of the SACU Cooperation Agreement on Competition Policy Enforcement and an Annex on Unfair Trade Practices (Art. 40 and 41 of SACU agreement) were co-organized by UNCTAD and the SACU secretariat in Windhoek (Namibia) from 11 to 12 December, in Maseru (Lesotho) from 14 to 15 December and in Gaborone (Botswana) from 18 to 19 December 2006. A draft agreement is to be submitted to the SACU Secretariat in April 2007.

21. The Second Lusophone Conference on Competition was organized by UNCTAD in cooperation with the Portuguese competition authorities from 29 to 30 May in Lisbon (Portugal) and was attended by representatives of eight Portuguese-speaking countries. The conference aimed at facilitating access to competition expertise in Portuguese, available in Brazil, EU, Portugal and UNCTAD.

C. PARTICIPATION IN SEMINARS AND CONFERENCES

22. In 2006, UNCTAD staff members took part in a number of seminars, workshops and conferences related to issues of competition law and policy and consumer protection. In particular, the UNCTAD secretariat actively participated in (1) various OECD competition meetings held in Paris from 8 to 9 February, 6 to 8 June and 16 to 19 October; (2) the International Conference on Competition and Regulation Policy, held in Beijing from 25 to 26 February; (3) the first meeting of the Committee for Monitoring the Programme to Reinforce UEMOA Capacities in the Field of Competition, which took place in Dakar from 8 to 10 March; (4) the Seminar on Free Trade for the Benefit of All, held in Tegucigalpa (Honduras) from 13 to 14 March; (5) the Intra-regional Seminar on Competition Rules in the States Party to the Agadir Agreement, organized in Amman (Jordan) from 3 to 6 April; (6) the Conference on the Future of Consumer Law, held in London on 25 April; (7) the Annual Loyola Antitrust Colloquium, organized in Chicago on 28 April; (8) the 15th Annual International Competition Network Conference, staged in Cape Town from 2 to 5 May; (9) the Competition Law and Policy Roundtable, held in New Delhi from 16 to 17 May; (10) the Workshop on Competition Policy for Ibero-American Countries, organized in Lisbon from 30 May to 1 June; (11) the Second ASEAN Conference on Competition Policy and Law, held in Bali (Indonesia) from 15 to 16 June; (12) the meeting of the 7Up2 Project on Advocacy and Capacity Building on Competition Policy and Law in Asia, which took place in Bangkok from 27 to 28 June; (13) the Training Seminar on Competition Law and Policy, held in Bangkok from 29 June to 1 July; (14) the National Workshop on Consumer Protection, organized in Phnom Penh from 1 to 3 July; (15) the 4th Latin American Competition Forum, held in San Salvador from 11 to 12 July; (16) the APEC Training Course on Competition Policy, staged in Bangkok from 8 to 10 August; (17) the Conference on Developing Countries and Challenges of Regionalism, which took place in London from 28 to 30 September; (18) the 4th Seoul International Competition Forum, held in Seoul on 5 September; (19) the APEC Training Course on Competition Policy, staged in Bangkok from 8 to 10 September; (20) the Training Course on the

International Economic Agenda, organized in Belgrade from 2 to 3 October); (21) the TRALAC Annual Conference and Workshop, which took place in Cape Town from 5 to 6 October; (22) the SACU Seminar on Unfair Trade Practices, held in Gaborone (Botswana) on 15 November; (23) the Conference on Competition and Competitiveness, which took place in Brno (Czech Republic) from 28 to 29 November; (24) the Conference on Competition Law and Policy, organized in Cairo from 3 to 4 December; and (25) the Euromed Training Course on Competition Policy, held in Madrid from 18 to 20 December.

II. INFORMATION ON CAPACITY-BUILDING AND TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS

A. ASSISTANCE PROVIDED, PLANNED OR RECEIVED

23. This section provides a summary of the replies received from member States to the Secretary-General's note UNCTAD/DITC/CLP/MISC./2006/4 of 1 December 2006, which requested information on technical cooperation activities in the area of competition law and policy.

Algeria

24. The MEDA programme, which is implemented with EU backing, is the main training programme of the Ministry of Trade. It is in the process of conducting three studies (on competition, informal trade and counterfeiting) and is setting up a training school for commercial and competition case handlers.

Austria

25. Austria cooperates with the EU Member States and with the accession countries within the European Competition Network.

Benin

26. Benin sent experts to attend seminars organized by UEMOA in 2006 with technical support from UNCTAD in Côte d'Ivoire, Togo and Guinea-Bissau. Benin further benefited from the National Training Seminar and the Regional Training Seminar on Community Competition Legislation, held in 2006 in Cotonou. In 2007, Benin hosted a delegation from UNCTAD and the UEMOA Commission in connection with preparations for the UEMOA Voluntary Peer Review on Competition Law and Policy, including Benin and Senegal.

Botswana

27. The Government of Botswana continued to receive technical assistance from UNCTAD for the project to develop competition policy and law. Through this assistance, the Government has since finalized the Competition Policy Bill, which was approved by Parliament in 2005. The Government is now working on the second phase of this project, consisting of the development of competition law. Through the advisory and technical assistance of UNCTAD, the Layman's Draft Competition Bill has been completed and is currently undergoing formal drafting.

Brazil

28. The Brazilian Competition Policy System (BCPS) has concluded four bilateral cooperation agreements with the competition agencies of the US, Russian Federation, Argentina and Portugal, and others are under negotiation. BCPS staff members often exchange experiences with their counterparts in the US and Argentina. Contacts have been established with the EU Directorate-General for Competition with a view to exchanging non-confidential information regarding investigations conducted simultaneously by two jurisdictions. The Brazilian agencies have also acted as donors via the provision of assistance to Jamaica and El Salvador.

29. BCPS participates in the competition-related activities of many international organizations including OECD, ICN, UNCTAD, the Latin American Competition Forum, the Ibero-Americano Competition Forum and the Portuguese-Speaking Countries Forum. The OECD and BCPS have engaged in a project envisaging OECD's contribution to the development of draft competition law amendments and its participation in seminars in Brazil. SEAE and CADE also have access to the OECD's OLIS database for technical research. In addition, Brazil is an active member of ICN and participates in UNCTAD meetings and technical assistance projects (as both recipient and donor) and has co-hosted conferences in Brazil with UNCTAD. BCPS also informally exchanges information with Chile, the US DoJ, the US FTC, the United Kingdom, Canada, Portugal, Spain and the EU.

Burkina Faso

30. Technical assistance takes the form of training seminars for experts in charge of drafting and implementing competition legislation, economic operators and consumer associations. In 2006, Burkina Faso was represented at the following meetings: (a) four regional seminars organized by the UEMOA/UNCTAD Capacity Building and Technical Assistance Programme in Competition Law and Policy in Abidjan, Lomé, Bissau and Cotonou; (b) the national seminar organized in July by that same programme; (c) the seventh session of the Intergovernmental Group of Experts on Competition Law and Policy, organized by UNCTAD in Geneva.

Côte d'Ivoire

31. Côte d'Ivoire benefited from technical assistance in the form of (a) a peer review of competition policy by UEMOA; and (b) the UEMOA capacity-building programme on competition (with technical support from UNCTAD).

Croatia

32. Two CARDS projects were preparing the ground for the twinning CARDS 2002 project "Support to the Croatian State Aid System". The twinning project began in 2005 and is being carried out by Germany and Slovenia. Implementation of the CARDS 2003 projects "Further strengthening of the Croatian Competition Agency" and "Implementation of competition law and policy" began in 2005 and consists of two components. One refers to the implementation and enforcement of the competition law framework within the Government

and private sector, while the other pertains to the institutional and administrative capacity-building of the Croatian Competition Agency (CCA).

33. Upon the completion of these projects in spring 2007, the CCA will start to implement the PHARE project, comprising both competition and State aid components under a twinning subproject with German authorities, as well as a supply project to expand the CCA's electronic database. Another project (IPA) is also under preparation. It will focus on practical training of CCA officials and other stakeholders involved in competition and State aid. The CCA representatives also participate in seminars organized by OECD, UNCTAD, WTO, EC, etc.

Gambia

34. Assistance with drafting competition law was sought from the Commonwealth Secretariat. The draft document has been reviewed by stakeholders at a national workshop. The working document is now a bill, which will be enacted by the National Assembly.

Georgia

35. The Agency for Free Trade and Competition (AFTC) provided detailed information on assistance received by Georgia before AFTC's creation in August 2005. Since then, the AFTC has received US funding for its officials to attend courses at the Public Institute of Private Law in the US. AFTC officials also participated regularly in OECD seminars: in 2006, they attended four meetings held in Budapest and Vienna.

Italy

36. In 2006, the Italian Competition Authority (ICA) carried out the following projects:

Romania: a PHARE programme "Advancing the administrative capacity and application of the acquis in the competition and State aid area, coherent with the MS status at the date of accession". In this project, Italy and the United Kingdom provide technical assistance to the Romanian Competition Council on competition matters and State aid, respectively.

Bulgaria: a PHARE twinning project "Preparing the Commission on protection of competition for the direct application of the rules of the Community competition acquis and cooperative works with the European Commission".

Balkans: in 2005-2006, the ICA also carried out a project on "Competition policy in the Balkans" financed by the Italian Government. The project aimed at bringing together the competition authorities of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Romania and Serbia and Montenegro in order to discuss questions of common interest on antitrust enforcement and competition policy. In connection with the project, a high-level meeting was held in Rome and a case study seminar took place in Bucharest.

Russian Federation: the ICA is involved in the TACIS twinning project "Fair competition development in the financial sector of the Russian Federation through reduced participation of federal and regional state authorities in the capital of financial institutions".

Jamaica

37. In 2006, representatives of the Fair Trading Commission participated in various conferences, workshops and study tours held in Washington DC (conference and study tour), New York, Bridgetown (Barbados - two meetings), Port of Spain (Trinidad and Tobago), Castries (Saint Lucia), Bogotá, Paris, Johannesburg and The Hague. Two meetings, funded by IDB/MIF, were organized in Kingston: the Shirley Playfair Lecture and the Workshop for Members of the Judiciary.

Japan

38. The Japan Fair Trade Commission (JFTC) provides a wide variety of technical assistance programmes – training courses, short-term seminars, dispatching of competition policy experts to international conferences, etc. The JFTC's technical assistance programmes are geared to competition policy officials in developing and transition countries, particularly in East Asia.

39. JFTC provided the following technical assistance in 2006: (a) country-focused group training for China and Indonesia; (b) local workshops for China and Viet Nam; (c) advocacy seminars for Viet Nam; (d) the dispatching of a long-term adviser to Indonesia, (e) the APEC Training Course in Thailand; (f) the dispatching of officials to seminars organized by other countries and international organizations such as APEC, OECD and UNCTAD, as well as the organization of seminars. Assistance under points (a), (c) and (d) was provided with the financial support of JICA.

Republic of Korea

40. In 2006, the Korea Fair Trade Commission ran three technical assistance programmes, operated by the International Competition Policy Workshop, the Korea International Cooperation Agency (KOICA) and the OECD Regional Centre for Competition (RCC).

41. The 2006 International Workshop on Competition Policy (KFTC) was organized with UNCTAD and served as a channel for the exchange of information and cooperation on various issues among officials from 24 countries. The KOICA programmes are designed to share Korea's experience in competition policies with officials from developing countries. In 2006, activities were organized for participants from 15 Asian and transition countries on two major topics: (a) Competition Law and Market Economy Growth; and (b) Executive Development Programme-Antimonopoly Policy. RCC provides training programmes on cartels, mergers and acquisitions, abuse of market dominance and investigation techniques for competition officials from non-OECD member countries in Asia. In 2006, it ran six training activities for officials from 26 countries. KFTC also participated in the National Competition Conference held in Amman. All three technical assistance programmes will remain in operation in 2007.

Latvia

42. In 2006, the Competition Council (CC) was involved in international technical assistance projects not only as a recipient but also as a contributing partner. One CC official was contracted as an expert in the EU Phare Twinning project on "Strengthening the Enforcement of Competition Law and Policy in Ukraine" and three officials were contracted to participate in USAID/FTC seminars organized in Baku (Azerbaijan).

43. The EU Transition Facility Twinning Light Project on "Enforcement of competition advocacy measures for further administrative capacity strengthening of the Competition Council" was implemented in 2006. It was implemented in cooperation with the Federal Ministry of Economics and Technology and the Federal Cartel Office of Germany.

Lesotho

44. Lesotho has benefited from assistance provided by UNCTAD, WTO, OECD and the Competition Commission of South Africa in the form of training workshops and seminars held at various locations in Southern Africa. A WTO national competition policy and law awareness-building workshop was held in 2002 immediately following the launch of the National Competition Policy Formulation Process (NCPFP), under which UNCTAD undertook to assist Lesotho with the formulation of national competition policy, the drafting of the Competition Law, the establishment of a Competition Agency and the training of its officers.

45. Under NCPFP, UNCTAD financed two studies used as a basis for the development of a Competition Policy Framework Paper, also funded by UNCTAD. The three studies were given country-wide exposure through workshops organized jointly with UNCTAD. On the basis of those studies, UNCTAD prepared a paper on competition policy for Lesotho.

Mauritius

46. Mauritius received technical assistance from UNCTAD in respect of the Competition Act 2003. The Government proposes to draft a new Competition Bill, which is expected to be introduced to the National Assembly. In this respect, assistance was received from the Commonwealth Secretariat. In 2006, a delegation from Mauritius attended the seventh session of the IGE on CLP.

Poland

47. The Office of Competition and Consumer Protection (OCCP) benefits from various forms of assistance in the areas of competition and consumer protection. OCCP provided detailed information on the aim and activities undertaken in 2006 under the following major projects in the field of competition: (a) Twinning Project on "Competition Protection" (PL 2004/IB/FI/02); (b) Transition Facility 2004 - Competition Protection (Nr. 2004/016-829.02.04) and (c) Transition Facility 2004 Project – Nr. 2004/016-829.01.10.

Russian Federation

48. At the bilateral level, the Federal Antimonopoly Service (FAS) has received technical assistances from competition authorities of EU Member States, Republic of Korea, the US and other countries. At the multilateral level, FAS received assistance from the European Commission, OECD, UNCTAD, APEC and USAID. OECD remains one of the main consultants and sponsors of technical assistance to Russia, provided in the form of legal advice on basic antimonopoly legislation, seminars for staff of antimonopoly authorities and judges, consultations on the methodology of competition policy and high-level meetings on the deregulation of natural monopolies. USAID, in cooperation with the US DoJ and FTC, organized a series of thematic seminars on competition policy. A TACIS project on "Alignment of Competition Rules" started in September 2005. It focuses on improving business and investment climate through the gradual alignment of Russian and EU competition rules. Within the framework of cooperation with the EU, a Twinning Italy–Russian Federation project on fair competition in the financial sector was launched in November 2006. UNCTAD has also helped develop the legislative and institutional processes leading to the adoption and implementation of the Russian Competition Law. In addition, UNCTAD actively promotes regional cooperation between competition authorities in the CIS. FAS is not only a recipient of technical assistance but also makes its own experience available to international institutions and foreign partners.

Serbia

49. The Commission for the Protection of Competition (CPC) has supplied information on the assistance received in the form of training, seminars, workshops and conferences attended by its officials. In 2006, such assistance was provided by the International Development Law Organization, OECD, the CARDS Programme, the Fordham Competition Law Institute, ICN, PLAC, British Telecom, the Global Competition Law Centre of the College of Europe and UNCTAD. The European Agency for Reconstruction also financed, through a CARDS programme, the purchase of equipment for the CPC.

Singapore

50. Singapore has sent representatives to seminars organized by OECD, APEC, UNCTAD and ICN. Officials from the US DoJ and FTC and the UK Office of Fair Trading and Competition Commission have also provided training in Singapore. Officials of the Competition Commission of Singapore have been seconded to competition authorities such as the UK OFT, the New Zealand Commerce Commission, the Australian Competition and Consumer Commission and the Irish Competition Authority.

Slovak Republic

51. The Antimonopoly Office has provided information on the assistance received over the past 10 years. In 2006, such assistance consisted of participation in a course on "How to operate in Brussels" held in The Hague and financed by MATRA Training for European Cooperation; the training of judges in Bonn through the EC-funded Twinning Light Project; and a study visit to the Directorate-General of Competition in Brussels.

Spain

52. In 2005 and 2006, the Spanish Competition Protection Service (SDC) hosted visits from competition officials from Turkey, Chile and Costa Rica.

53. In 2002, the Latin American countries decided to found the Latin American Forum on Competition and the Latin American Institution for the Protection of Competition. The latter body, which is headquartered in Madrid and funded by the Spanish Tribunal for the Protection of Competition, was established to provide technical training to competition officials from Latin American countries. Since then, the Tribunal has every year paid for two officials from each Latin American country to attend the two-week training course taught at the Tribunal's headquarters in Madrid.

54. The Spanish competition agency also provides special technical assistance in response to specific needs: for example, under the EU's Regional Programme for the Euro-Mediterranean Market, a seminar was run in Madrid in 2006 for competition officials from Algeria.

Trinidad and Tobago

55. In October 2006, the Ministry of Trade and Industry requested technical assistance from UNCTAD in establishing the Fair Trading Commission (FTC), and appropriate discussions were held. It was agreed that UNCTAD would prepare a report reviewing the institutional framework and substantive provisions of the Competition Law. After that, UNCTAD would provide technical assistance and capacity-building activities based on an assessment of the country's need for the FTC. Training programmes would be developed and advocacy workshops would be organized to make the public and stakeholders aware of the provisions of the Fair Trading Act.

56. Knowledge on establishing a FTC can be drawn from the Commissions presently operating within CARICOM, namely those of Barbados and Jamaica. Ministry officials undertook study visits to both such bodies, and an appropriate report will be annexed to the UNCTAD institutional framework report.

Turkey

57. The Turkish Competition Authority (TCA) has signed MoUs on cooperation in the field of competition with the Korean Fair Trade Commission and the Romanian Competition Council (RCC). In line with these agreements, Turkish and Korean officials held a meeting in the Republic of Korea in September 2006. A meeting between the TCA and the RCC took place in November in Ankara.

58. The TCA participated in Jordan's National Competition Day in October 2006 and a Jordanian representative visited the TCA. A delegation from Jordan is expected to visit the TCA in 2007. A competition law and policy seminar for Ukrainian officials was held in October 2006 in Ankara, and representatives of the Mongolian Unfair Competition Regulatory Authority (UCRA) paid a visit to the TCA in January 2007. Further assistance to

the UCRA and cooperation with Jordan and Tunisia is envisaged in 2007. The TCA has also positively responded to a cooperation proposal from the Tunisian Ministry of Trade.

59. The TCA experts benefited from TAIEX programmes in the form of short-term technical assistance on various subjects, including leniency programmes and block exemption on motor vehicle distribution. Another TAIEX programme on procedural aspects of mergers and acquisitions was undertaken in January 2007. The TCA officials went to Madrid on a TAIEX study visit concerning competition in the tourist sector. In 2005-2006, the TCA also participated in competition rules seminars financed by MEDA.

Viet Nam

60. The Viet Nam Competition Administrated Department was recently assisted though the following projects: (a) Assisting Viet Nam in achieving international economic integration, sponsored by ADETEF of France; (b) the 7Up2 Project funded by CUTS of India and SECO/COMCO of Switzerland; (c) Capacity building for the enforcement of competition law and implementation of competition policy, financed by JICA (Japan); (d) Strengthening institutions in the field of competition and consumer protection in Viet Nam and other Mekong countries, funded by SECO/COMCO; and (f) the Policy Implementation Assistance Project, funded by Canada.

Zambia

61. Officials from Eastern and Southern African competition agencies approached UNCTAD to sponsor their annual meeting, aimed at increasing the level of cooperation between these authorities. They have also asked UNCTAD to sponsor an exchange programme among the competition authorities. The programme is under consideration by UNCTAD.

European Commission

62. Twinning programmes are in operation between competition agencies of EU Member States and the competition agencies of the following non-EU countries: Albania, Croatia, the former Yugoslav Republic of Macedonia, Morocco, Tunisia and Ukraine. These twinning projects are funded by the EC, although the EU-twinning competition agency for the projects in question is not the EU's DG Competition but a competition agency of one of the EU Member States in each case.

63. EC-funded technical assistance projects, implemented by external consultants selected following calls for tenders, are in progress with the competition agencies of Russia and Armenia. In 2005, the EU financed a study aimed at promoting the development of competition law and policy for China, and the EU's DG Competition has also organized and participated in seminars and workshops on the Chinese draft Competition Law and the development of competition policy in China.

64. Short-term EC seminars for EU accession countries, the Western Balkan countries, countries taking part in the European Neighbourhood Policy and the Russian Federation have been scheduled during 2007 in the areas of antitrust and State aid policy.

UEMOA

65. With regard to the implementation of competition legislation, various activities have been undertaken in connection with a two-year capacity-building project. As far as skills training is concerned, the bulk of activities have consisted of national training seminars and regional information and awareness-building seminars, organized by the UEMOA Commission with technical backing from UNCTAD.

66. Five national seminars were held in Niger (Niamey), Senegal (Dakar), Burkina Faso (Ouagadougou), Mali (Bamako) and Benin (Cotonou). Regional information and awareness-building seminars alternated with training seminars, in Côte d'Ivoire (Abidjan), Togo (Lomé), Guinea-Bissau (Bissau) and Benin (Cotonou).

B. Requests for assistance

67. This subsection contains extracts from the replies received, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which States feel should receive priority attention.

Algeria

68. Algeria's needs with regard to competition consist of the following: (a) the introduction of a market monitoring system; (b) training and advanced training for competition officials and staff; (c) the conduct of expert evaluations and studies on the modalities for the implementation of competition rules; and (d) participation in study days and seminars on competition law and policy. The Ministry of Trade would like to either sign an overall cooperation agreement with UNCTAD or receive technical assistance in response to the above needs.

Benin

69. Request addressed to UEMOA: At the UEMOA regional seminar in Cotonou, the representatives of Member States asked the UEMOA Commission to consider broadening its awareness-building activities to include policy-makers. They also stressed the need for future seminars to focus on topics relating to the importance and role of the private sector in implementing community competition legislation.

70. Request addressed to UNCTAD: At the close of UNCTAD's peer review, national legislation will be adopted. This implies new tasks, which will require technical assistance, depending on the recommendations of the peer review.

Botswana

71. There is a need to build up a body of professionals able to deal competently with competition issues in Botswana. UNCTAD is requested to provide technical assistance, in particular by designing and running a specialized training programme on competition and consumer protection issues. The programme should be a continuous exercise geared to imparting knowledge and appreciation of competition matters.

72. There is need to engage an expert to review the Consumer Protection Act of 1998. It was envisaged that the Competition Law would take into account the provisions of the Consumer Protection Act that deal with unfair business practices. However, the approach has been to separate these two pieces of legislation and the Draft Competition Bill has provided for competition matters only. In view of this, the Consumer Protection Act may require substantial re-writing in light of the provisions of the Competition Bill. There is need to engage experts knowledgeable in both aspects of competition and consumer protection to align the provisions of these laws. UNCTAD is requested to assist by providing technical assistance for this review.

Burkina Faso

73. In general, Burkina Faso requires increased technical assistance to strengthen its competition law and policy.

Cameroon

74. The Ministry of Trade has secured UNCTAD's agreement for assistance with the establishment of the National Competition Commission of Cameroon and capacity-building for its members and staff. The Ministry's observations with regard to UNCTAD's comments on the legislative and regulatory texts on competition in Cameroon should enable UNCTAD to fine-tune an information mission to Yaoundé, pending the launching of a study on the "Institutional and Regulatory Framework of the Competition Authorities in Cameroon". The UNCTAD programme is due to continue via the recruitment of experts and the preparation of a technical assistance project covering a 2-3 year period.

Côte d'Ivoire

75. Côte d'Ivoire is requesting technical assistance as follows: (a) a refresher course lasting several weeks for three persons; (b) the holding of a seminar on "Relations between the Competition Commission and sectoral regulatory authorities"; and (c) an immersion course for several persons at the EU Commission on cartels and abuse of dominant position.

Jamaica

76. Jamaica is requesting technical assistance in the areas of peer review activities, judicial training, industry studies, staff development, competition advocacy and library upgrade (to be funded by UNCTAD in 2007-2008). For the last three areas as well as for information technology development and the Shirley Playfair Lecture, in 2007 assistance is also being sought from IADB/MIF/FTC. In 2007, Jamaica will also need assistance from the International Development Research Centre for a research project on the Jamaican pharmaceutical sector. Assistance is required as well from the Commonwealth Secretariat, the International Competition Network and other donors for participation in competition meetings to be held in Munich, Valetta and Moscow.

Lesotho

77. The following areas are priority areas for assistance: (a) assistance with the drafting of the Competition Law; (b) training for the staff of the competition agency; (c) establishment of the competition agency; (d) implementation and enforcement of competition policy and law.

Madagascar

78. UNCTAD has been asked to provide technical assistance with a view to (a) training experts/trainers to draft the various enabling decrees for the Competition Law (especially with regard to telecommunications); (c) enabling the authorities to benefit from UNCTAD's

experience as they set up a Competition Board (structure, functioning, internal rules and the various working documents).

Malawi

79. The Malawi Competition and Fair Trading Commission provided detailed information on the assistance requested from UNCTAD in relation to the main issues of the Advocacy Programme. The precondition for the establishment of this programme is the clear identification of all stakeholder groups, followed by an assessment of the various options and the ascertainment of Malawi's principal needs in the area of competition law and policy.

Saint Vincent and the Grenadines

80. Assistance is requested in meeting the following special needs: (a) financial assistance with the establishment of a Competition Commission; (b) assistance in, first, holding a national workshop to make all stakeholders aware of the advantages of competition policy and, second, providing training for government officials, lawyers and officers of regulatory agencies responsible for implementing competition policy; (c) while the Fair Competition Act is being reviewed by the office of the Attorney General, special assistance may be required to bring it up to date with Caricom competition rules and more particularly international standard rules of competition.

Serbia

81. Within the framework of cooperation with the OECD Hungary Regional Centre in Budapest, the Commission for the Protection of Competition submitted a list of areas of primary interest. These include merger control, cartels and agreements, competition policy and enforcement of law in regulated sectors, as well as predatory pricing.

Suriname

82. The following assistance is needed: (a) assistance from external trade experts or international institutions on the topic of competition; (b) targeted training programmes to give local officials the skills they need to better understand different aspects of competition law and policy so that the country can comply with its international trade commitments; (c) increased staff capacity to effectively deal with competition policy issues; (d) training to enable trade officials to participate in trade negotiations on competition; and (e) a workshop on trade remedies and competition practices.

Zambia

83. The Zambian Competition Commission requires capacity-building in the following areas: (a) enforcement of the law, especially in compliance programmes; (b) advocacy and training of the judiciary and other government agents relevant to competition regulation; (c) the role of competition role at WTO, especially on issues of non-discrimination, transparency and due process; (d) investigation procedures to identify cartel activities; (e) amendment of the Competition and Fair Trading Act CAP 417 of the Laws of Zambia; (f) secondment to

international competition authorities; (g) the interface between the national competition authority and regional competition bodies, especially COMESA.