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**REVIEW OF CAPACITY-BUILDING AND TECHNICAL ASSISTANCE
IN THE AREA OF 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 countries and economies in transition 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 dynamic enterprise sector, the promotion of economic growth and development, and the promotion of consumer welfare. This document further contains information provided by member States and international organizations to UNCTAD on technical cooperation activities and requests for assistance in the field of competition law and policy.

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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, advisory and training programmes on restrictive business practices, particularly for developing countries.
2. In the agreed conclusions of the annual session of the Intergovernmental Group of Experts on Competition Law and Policy (IGE) (17-19 July 2007, (TD/B/COM.2/CLP/63), member States took note with appreciation of the voluntary financial and other contributions received from member States and invited member States to continue to assist UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities or financial resources. The IGE also requested the UNCTAD secretariat to pursue and, where possible, expand its capacity-building and technical cooperation activities (including training) in all regions, within available resources. In addition, the IGE requested the secretariat to report on capacity-building and technical assistance during the ninth session, scheduled for 16-18 July 2008.
3. Accordingly, this note contains information on the capacity-building and technical cooperation activities of the UNCTAD secretariat in 2007, as well as information provided by member States and international organizations to UNCTAD on technical cooperation activities and requests for assistance in the field of competition law and policy.¹

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

4. UNCTAD technical cooperation activities aim at assisting developing countries, including the least developed countries (LDCs) as well as economies in transition, in formulating and reviewing competition policies and legislation and implementing competition laws by building national institutional capacity; promoting the creation of a competition culture among Government officials, private sector, consumers and academics; supporting regional cooperation on competition policy; and assisting countries and regional groups to better formulate the modalities and forms of regional cooperation on competition issues that are supportive of trade, investment and development.
5. Technical assistance is provided in accordance with requests received, needs of countries concerned and resources available. It takes the following main forms: (a) provision of information on anticompetitive practices, their existence and possible adverse effects on the economy, which may involve a study on these practices in a specific country; (b) introductory seminars and workshops on the role of competition in promoting development directed at a

¹ In reply to note UNCTAD/DITC/CLP/Misc/2007/12 of 21 November 2007.

wide audience, including Government officials and academics as well as business and consumer-oriented circles; (c) assistance to countries or regional organizations which are in the process of drafting competition legislation in the form of provision of information on such legislation in other countries or advice on drafting competition law and related legislation; (d) advisory services for the setting-up or strengthening of competition authorities, which usually includes preparation of institutional framework report, training of officials responsible for the actual control of anticompetitive practices, including the judiciary, which may involve training workshops and/or on-the-job training with competition authorities in countries having experience in the field of competition; (e) seminars and workshops for countries which have already adopted competition legislation, have experience in the control of anticompetitive practices, and wish to better enforce competition legislation or consult each other on specific cases and exchange information; (f) assistance to countries or regional organizations which wish to revise their competition legislation and seek expert advice from UNCTAD and competition authorities in other States, so as to amend their laws in the most effective manner possible; (g) conduct of voluntary peer reviews (VPRs) of competition law and policies of interested countries; (h) assistance to developing countries, including LDCs as well as economies in transition, with a view to helping them better evaluate the implications of regional and bilateral cooperation on competition issues; (i) assistance to countries and regional organizations in identifying the role of competition policy in the promotion of competitiveness and development, as well as 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; and (j) assistance in formulating appropriate sector regulations and competition policies.

6. The main capacity-building and technical cooperation activities of the UNCTAD secretariat in 2007 are described below:

Summary of countries' requests met with UNCTAD technical assistance in 2007

| Requestor/beneficiary | Activities related to drafting or reviewing of laws and policies | Peer Reviews and follow-up | Institutional building | Advocacy activities | Consumer protection | Training of local officials | Regional and subregional cooperation activities |
|-----------------------|--|----------------------------|------------------------|---------------------|---------------------|-----------------------------|---|
| Benin | | x | | | | | x |
| Bhutan | | | | | x | | |
| Bolivia | x | | | x | x | | x |
| Botswana | x | | | | x | x | x |
| Burkina Faso | | x | | | | | x |
| Cambodia | x | | | | | | |
| Costa Rica | x | | | x | x | | x |
| Côte d'Ivoire | | x | | x | | x | x |
| El Salvador | x | | | | x | | x |
| Guinea-Bissau | | x | | | | | x |
| Indonesia | | | | | | x | |
| Lesotho | | | | | | | x |
| Mali | | x | | | | | x |
| Mozambique | x | | | | | | |
| Namibia | x | | | | | | x |
| Nicaragua | x | | | | x | | x |
| Niger | | x | | | | | x |
| Peru | x | | | | x | | x |
| Saudi Arabia | | | x | | | x | |
| Senegal | | x | | x | | | x |
| South Africa | x | x | | | | | |
| Swaziland | x | | | | | | x |
| Togo | | x | | x | | x | x |
| Trinidad and Tobago | x | | x | x | | | |

A. Activities extended to individual countries

7. In 2007, UNCTAD continued its demand-driven efforts to assist in the creation of a competition culture in developing countries. To that end, UNCTAD provided technical assistance related to the preparation, adoption, revision or implementation of national competition and consumer protection policies and legislation as well as in areas contributing to a better understanding of the issues involved, and building national institutional capacity to enforce effective competition legislation. UNCTAD also assisted governments in identifying the role of competition policy in development, its implications at the national, regional and international levels as well as strategies for regional and subregional cooperation in this field. In 2007, the main areas of UNCTAD's technical assistance were as follows:

1. Competition advocacy

8. UNCTAD's various advisory and training activities were combined with or provided through different seminars, workshops, other meetings and activities directed at stakeholders, specific officials or a wide audience including Government officials and academics, as well as business and consumer oriented circles. These activities contributed to raising awareness about the role of competition and promoting a competitive culture. Thus, a Competition Law and Policy Workshop and Meeting were co-organized by UNCTAD and the Ministry of Trade and Industry on 12-14 June in Port of Spain (Trinidad and Tobago). In the course of the meetings, consultations were held with Government officials on the contents of and compliance with the Fair Trading Act 2006, as well as on the benefits of establishing a Competition Commission. Basic concepts and principles of handling competition cases were discussed with representatives of local judiciary. In the course of a Compal dissemination event held on 7 March in San Jose, Costa Rica, major Compal outputs, including sectoral studies and country-specific consumer protection strategies prepared in 2005 and 2006 were disseminated together with Compal studies on the distribution sector, carried out with the support of the International Development Research Centre (IDRC) of Canada. In Bolivia, UNCTAD held a national seminar on the implementation of the Compal programme on 3 October in La Paz.

2. Assistance in the preparation of national competition laws

9. Within the framework of efforts to help countries draft and/or review their competition legislation, assistance was provided to Compal beneficiary countries (Bolivia, Costa Rica, El Salvador, Nicaragua and Peru) within the framework of an academic course on competition and consumer protection laws which took place in San Jose, Costa Rica on 8-15 March. In Cambodia, consultations were held between UNCTAD and the Ministry of Commerce and a Round Table was organized on 13 June in Phnom Penh for representatives of Government and the private sector to assist Cambodia in designing and adopting the national competition law. Assistance with the preparation of a Competition Bill was also provided to Botswana, where UNCTAD organized a workshop for stakeholders to discuss its final draft (1 November, Gaborone). Mozambique also benefited from assistance with the drafting of competition legislation, and several reviews of the draft law have been held with Government officials and experts in cooperation with the Portuguese Competition Authority.

Study tours for officials from Botswana

In 2007, UNCTAD organized study tours for officials from Botswana, including members of the Ministry of Trade and Industry and the Attorney General's office, to consult two competition authorities in European developed countries (Sweden and Switzerland) and two authorities in Africa (South Africa and Zambia). These study tours helped Botswana's officials improve their understanding of different aspects of the work of a competition authority, namely its structure, functions and competences, as well as the role that such bodies play in promoting consumer welfare and competitive markets. During these study tours, the members of the Botswanan delegation had an opportunity not only to benefit from experiences accumulated by foreign competition agencies in their work, but also to gain the necessary experience for finalizing the draft of national competition law, especially in respect to the elements of the institutional structure and powers of a future national competition authority. Botswana is in the process of adopting competition legislation and envisages the establishment of an operational competition authority in the first half of 2008.

3. Training of competition case handlers

10. Within the framework of training activities for competition case handlers, a workshop on competition law and policy for the new staff of the Indonesian competition authority (KPPU) and a round-table discussion on competition law and policy were held in Jakarta (Indonesia) respectively on 24 and 25 April. They were co-organized by UNCTAD, KPPU and GTZ of Germany. A study tour for judges of the Supreme Court of Indonesia to a number of competition-related institutions in Germany was co-organized by UNCTAD and GTZ on 7-11 May within the framework of a programme on the implementation of competition law in Indonesia. Within an ongoing national project, a study tour for Botswanan members of the Law Drafting Committee was organized on 21-23 May to the Swedish and Swiss competition authorities to discuss the institutional framework prepared by UNCTAD. That same month, another study tour - to the Swiss competition authority was also organized for a West African Monetary Union (WAEMU) delegation, headed by a WAEMU Commissioner. The study tour was arranged as a follow-up to the recommendations of the Voluntary Peer Review on Competition Rules held during the eighth session of the IGE in July 2007. Two study tours were set up for competition officials from Saudi Arabia - to the Swiss Competition Commission in February and to the German Cartel Office in June. The purpose of the study tour to the Swiss Competition Commission was to discuss the internal organization of a competition agency and to seek advice on the internal working procedures of this body, in particular on the handling of confidential information. During the visit to the German Cartel Office, views were exchanged on how to handle investigation of large mergers without burdening business through notifications and delays. A benchmarking exercise for the Botswanan institutional framework was undertaken with the assistance from the competition authorities of South Africa and Zambia (5-6 November in Pretoria and 8-9 November in Lusaka). The consultations were intended to initialize the institutional structure for the establishment of a competition authority. Two national training seminars on the WAEMU common competition rules were held in

cooperation with the secretariat of WAEMU: 24-28 September in Abidjan, Côte d'Ivoire, and 29 October-2 November 2007 in Lomé, Togo. As a result of UNCTAD's assistance, WAEMU member States were apprised of the need for coordination and cooperation in the enforcement of the community competition rules.

4. Institution-building

11. UNCTAD support to countries that have adopted national legislation, as well as to newly established competition agencies, includes activities in support of institution-building. In this area, UNCTAD organized in February the above-mentioned study tour to the Swiss Competition Commission for a delegation of competition officials from Saudi Arabia. On 11 September in Riyadh, UNCTAD held a national stakeholder meeting to launch the Saudi Competition Council and to explain the purpose and scope of the new Competition Act. For Trinidad and Tobago, a framework for the establishment of a Competition Commission and other related issues were discussed at a workshop co-organized by UNCTAD and the Ministry of Trade and Industry on 12-14 June in Port of Spain.

5. Consumer protection

12. In the area of consumer protection, Compal beneficiary countries (Bolivia, Costa Rica, El Salvador, Nicaragua and Peru) were assisted within the framework of an academic course on competition and consumer protection laws, organized in San Jose, Costa Rica on 8-15 March. Two national workshops on consumer protection issues, including the presentation of the national draft Consumer Protection Bill, were held by UNCTAD together with the Ministry of Economic Affairs on 5 November in Mongar Dzongkhag and on 8 November in Gelephu Dzongkhag (Bhutan). Assistance was also provided to Botswana as regards the amendment of the Consumer Protection Act. A workshop for stakeholders was organized on 2 November 2007 in Gaborone. In addition, a training course on competition and consumer protection for Government officials of Botswana was held in Francistown on 4-7 December 2007.

6. Peer reviews and follow-up

13. In addition, and in order to ensure coherence between overall governmental approaches to privatization and liberalization of trade and investment regimes, UNCTAD initiated an ad hoc Voluntary Peer Review on competition law and policy, providing a forum to review how reforms in the field of competition could promote development and ensure that markets worked for the poor. The eighth session of the Intergovernmental Group of Experts on Competition Law and Policy (IGE) (Geneva, 17-19 July 2007) provided a framework within which UNCTAD held a Voluntary Peer Review on competition law and policy of the West African Monetary Union (WAEMU) and its eight member States - the first review of a regional grouping's competition policy in an international setting. The VPR highlighted the challenges and opportunities which developing countries face in strengthening their regional cooperation and integration schemes. It produced a range of recommendations regarding how the application of the legislation at regional and national levels might be made more effective. UNCTAD further formulated a regional project to build capacity for enforcement and advocacy of competition policy at the regional and national levels with a view to disseminating the outcomes of the VPR and assist with the implementation of the recommendations. The first meeting between UNCTAD, the

Competition Appeal Court of South Africa and international experts was held in Pretoria on 19-20 July 2007 in preparation for an internal review. Discussions covered a number of issues related to the preparation of the review, including the adoption of detailed terms of reference.

B. Regional and subregional activities

14. UNCTAD technical cooperation and capacity-building activities were increasingly provided within the framework of regional and subregional activities. Activities under the Competition and Consumer Protection Policies for Latin America (Compal) programme, supported by SECO, Switzerland, contributed to strengthening competition and consumer protection law and policies in five Latin American beneficiary countries (Bolivia, Costa Rica, El Salvador, Nicaragua and Peru). Several activities, including seminars, workshops, preparation of sectoral studies on the conditions of competition in selected sectors and brochures to increase awareness among stakeholders and others, were carried out in beneficiary countries. The second annual monitoring meeting of the Compal programme with the participation of beneficiary countries, SECO, COMCO and UNCTAD was held on 5-6 March in San Jose. It was followed by a workshop organized jointly with the participation of the IDRC project on the distribution sector (7 March) aimed at disseminating major Compal outputs as well as by a training course (8-15 March) organized with Costa Ricans local universities and the competition and consumer protection agencies. UNCTAD also undertook a mission to Bolivia to hold a seminar on the implementation of Compal (La Paz, 3 October) and discussions with the national Coordination Unit and the Consultative Group established to undertake Compal activities.

15. Assistance was provided to WAEMU members on the implementation on common competition rules (see the Competition Case Handlers section). UNCTAD assisted in identifying areas of concern for national competition authorities and sectors regulators, as well as conducting an in-depth review of skills and resource needs of member States. In this connection, UNCTAD organized two regional meetings, held on 26 and 27 March 2007 in Cotonou, Benin. The first of these meetings discussed the main findings and recommendations of the UNCTAD peer review report on competition policy, while the second assessed the work undertaken in 2006 within the framework of the implementation of the UNCTAD/WAEMU capacity-building project on competition policy. In addition, a regional seminar on WAEMU common competition rules was also held on 10-14 December 2007 in Dakar, Senegal. The meeting, organized jointly by the WAEMU secretariat and UNCTAD for the judges of the WAEMU Competition Court, was designed to explain the use of complex economic theories in competition cases to judges, lawyers and public prosecutors.

16. UNCTAD continued its assistance to the SACU (Southern African Customs Union) to operationalize the SACU Agreement on common policies on competition and unfair trade practices. A series of national consultative meetings and information-gathering workshops for the development of the SACU Cooperation Agreement on Competition Policy were co-organized by UNCTAD, the SACU secretariat and the Government Ministries responsible for trade in Pretoria (South Africa) on 26-27 February, Windhoek, Namibia, on 1-2 March and Manzini, Swaziland, on 5-6 March 2007. The final draft agreement was submitted to the SACU Secretariat by UNCTAD in November 2007.

C. Participation in seminars and conferences

17. In 2007, 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 the following: a training course on competition law in Vientiane on 6-8 February; a seminar on dispute settlement and competition law on 19-20 March in Damascus, Syria; a SADC expert group meeting on competition policy and law, 2-4 April in Livingstone, Zambia; a Kent Law Review Symposium on law and economic development in Latin America, held on 13-14 April in Chicago; various Organization for Economic Cooperation and Development competition meetings held in Paris from 16-17 April and 15-18 October; an Organization for Economic Cooperation and Development CLP meeting on "Effectiveness of competition agency actions and decisions" held on 7 June in Paris; a seminar on African law held in Montpellier, France, on 4 May; an International Workshop on Globalization and Competition Law, held on 14-15 June in Dijon, France; a Regional Workshop for sub-Saharan African Countries on Economic Partnership Agreements, held on 13-14 July in Brussels; an ESA-EPA Meeting on Trade-Related Issues, namely Competition Policy, held on 28-29 July in Mauritius; the TRALAC annual conference held on 20-21 September in Cape Town; the Caribbean Association of Industry and Commerce Regional Competition Policy and Law Workshop held in Georgetown, Guyana on 5 October; a conference on foreign trade and development prospects, held in Istanbul on 6 November; the annual ACE conference held in Toulouse, France, on 29-30 November; the National Seminar on Competition, Distribution and Consumption held in Tunis on 3 December; the ACF Third Annual Conference organized in Hong Kong on 10-11 December; and the International Symposium on Enforcement of Antimonopoly Law, held in Beijing on 13-14 December.

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

A. Assistance provided, planned or received

18. This section provides a summary of the replies received from member States to the Secretary-General's note UNCTAD/DITC/CLP/Misc/2007/12 of 21 November 2007, which requested information on technical cooperation activities in the area of competition law and policy.

Albania

19. Until 2006, the Albanian Competition Authority (ACA) was receiving assistance from the EU under the CARDS Program 2003. The EU TAIEX programme has approved the ACA's application for the organization of a workshop on public awareness and cooperation with regulatory bodies, as well as for an expert mission to assist the ACA staff with energy-sector investigation procedures.

20. The GTZ of Germany is providing assistance and expertise in various areas of competition law and policy. The ACA staff also participated in various activities of the Organization for Economic Cooperation and Development regional programme implemented through the Regional Centre for Competition based in Budapest, Hungary.

Austria

21. Austria cooperates with the member States of the European Union and with the acceding countries within the European Competition Network.

Brazil

22. The Brazilian Competition Policy System (BCPS) is composed of the Secretariat of Economic Law of the Ministry of Justice (SDE), the Secretariat of Economic Monitoring of the Ministry of Finance (SEAE), and the Council of Economic Defense (CADE).

23. SEAE was requested by the Government of Angola to assist with the drafting of a Competition Bill in Angola as well as with capacity-building related to competition and regulation matters. SEAE designed a work plan for technical support for the Angolan Government and, as a first step of the project, a fact-finding mission was sent to Angola. This was followed by several meetings with members of the Angolan Government to identify situations deserving technical support by the Brazilian Government.

24. In addition, SDE participated in a number of initiatives concerning technical assistance. As requested by El Salvador, SDE sent an expert to San Salvador to discuss various competition-related issues. SDE also provided technical assistance to Chile, where a new Competition Act is being discussed by the Parliament, and also cooperated with Chile through the Organization for Economic Cooperation and Development Latin American Bid Rigging Project. Furthermore, SDE has an ongoing cooperation programme with the United States Department of Justice, which provides information on investigative techniques and other issues.

25. CADE staff members participated on two training programmes offered by the United States Federal Trade Commission (FTC) and the Department of Justice. The FTC programme lasted three months and specifically focused on case-handling. CADE co-chairs the Competition Policy Implementation Working Group of the ICN, within which it took part in the programme to establish partnerships between two ICN member agencies (Brazil and El Salvador). CADE staff members took part in the Escuela Iberoamericana de Defensa de la Competencia organized by Spanish authorities, as well as in the merger and cartel seminars and workshops organized by the ICN.

Bulgaria

26. The EU Phare Programme is the main provider of technical assistance to the Commission on Protection of Competition (CPC). The CPC has implemented successfully several Phare-funded projects, including Phare Project BG 9910.01; Phare Twinning Light Project BG 02/IB/FI/02/UE; Phare Twinning Project BG BG/2004/IB/FI/01; and Phare Twinning Light Project BG /2005/IB/FI/07/UE/TWL.

Burkina Faso

27. Technical assistance in the area of competition law and policy takes the form of training seminars for experts in charge of drafting and implementing competition legislation, economic operators and consumer associations. In 2007 Burkina Faso was represented at the regional seminar on community competition legislation for judges and lawyers from the Member States

of WAEMU held in Dakar, as well as the session of the Intergovernmental Group of Experts on Competition Law and Policy held in Geneva. The topic was the voluntary peer review of competition policies of WAEMU, Benin and Senegal.

Canada

28. The Competition Bureau Canada continues to provide technical assistance in the form of sharing information on Canadian policy, law and practices; offering training sessions to visiting representatives of foreign competition authorities and governments; helping develop or refine foreign competition laws; and providing advice on specific investigations. In 2007, the Bureau provided technical assistance to a number of countries including Chile, Switzerland and Costa Rica (in particular within the framework of the Canada-Costa Rica FTA). The cooperation arrangements for the Canada-Peru FTA are currently under negotiation through the competition authorities of these countries. Competition Bureau staff and its representatives participated in several international conferences as well as in other international activities undertaken within the framework of ICN, UNCTAD and Organization for Economic Cooperation and Development. The Competition Bureau also recently hosted delegations of competition experts from Hungary, Costa Rica, the Republic of Korea, the Russian Federation and Kazakhstan.

29. The Canadian International Development Agency provided information on projects undertaken in 2007 by the Government of Canada and including those related to competition policy. These include: (a) Vietnam Economic Research Network, Phase II (2006-2009); (b) Competition Policy and Development Forums 2007 and 2008; (c) Competition, Regulation and Development Research Forum (2006-2008); (d) Creating an Economically-Enabling and Competitive Business Environment in the West Bank and Gaza Strip (2006-2008); (e) Legal Reform in Vietnam (2001-2008); (f) Competition for Distribution Sector Research (2005-2007); (g) IDRC South-South Links, Third World Multinationals and Development: South Africa, East Africa and India (2005-2007); and (h) IDRC Workshop on Understanding the Dynamics of Trade Policy Influence: The Role of Research (2005-2007).

Colombia

30. Cooperation offered to Bolivia: training on: investigation of practices that restrict trade, economic integration, punitive measures and the effects thereof. In addition, with regard to the issue of unfair competition: (1) training of personnel through internships and courses in Colombia; (2) exchange of information; (3) training provided by representatives of the Superintendencia de Industria y Comercio in seminars and workshops held abroad.

Costa Rica

31. The Commission for Promotion of Competition has received various types of technical assistance. Such efforts have strengthened management capacity and facilitated progress in the area of the defence and protection of competition. Education and information has likewise been provided to regulated sectors, public and private authorities and economic agents through discussion groups, publication of brochures, lectures, etc. One of the most important activities was training provided to the judges of the Administrative Dispute Tribunals, which are responsible for reviewing the Commission's resolutions.

Croatia

32. The Croatian Competition Agency (CCA) benefited from two CARDS projects in the area of competition, of which the latest, completed in 2007, was aimed at the supplying of IT equipment. The most recent of the four CARDS projects in the area of State aid includes a project for assistance with assessing the restructuring plans of Croatian shipyards and a twinning project with Germany and Slovenia, on the provision of assistance and IT support for the creation of a comprehensive State aid database system (CROSADS).

33. The CCA is implementing a Phare project comprising both competition and State aid components under a twinning subproject with German authorities, as well as a supply subproject which is expanding the CROSADS system. The CCA is also a co-beneficiary of a smaller Phare project dealing with State aid in the maritime sector. Although the CCA is not involved as a beneficiary in the "BizImpact" project aimed at the SME sector in Croatia, it is actively cooperating in its various components. The CCA is also preparing for participation in another project, focusing on practical training of CCA and other stakeholders involved in competition and State aid systems, primarily through stages at relevant institutions of the European Communities and their member States. The CCA representatives were also invited by the Organization for Economic Cooperation and Development to participate in seminars for non-member countries as well as in different meetings of UNCTAD, WTO, EC, etc. With British financial assistance, two CCA representatives in 2007 had a three-month secondment to the Directorate General, Competition of the European Commission.

Finland

34. The Finnish Competition Authority has a bilateral cooperation agreement with the Federal Antimonopoly Service (FAS) of Russia. Cooperation between the two agencies has continued since 1994. Every year, the FCA organizes one-week training activities for two FAS specialists.

Georgia

35. The Agency for Free Trade and Competition (AFTC) provided detailed information on assistance received by Georgia before its creation in August 2005. Since then, the AFTC has received funding from the United States of America for the participation of officials in courses at the Public Institute of Private Law. AFTC officials have also regularly participated in Organization for Economic Cooperation and Development seminars - in 2006-2007, they took part in four meetings held in Budapest and Vienna.

Indonesia

36. The Commission for the Supervision of Business Competition (KPPU) has asked UNCTAD for technical assistance in the following areas: (a) holding a workshop on competition in the telecommunications sector; (b) translating into Indonesian the UNCTAD Manual on Competition Law and Policy and organizing an introductory trial workshop on the Manual; (c) carrying out, together with KPPU, a training for trainers programme with a view to building up and disseminating knowledge about competition policy enforcement; (d) undertaking a librarian-exchange programme whereby a librarian from an experienced competition authority

will be posted to KPPU to assist its library staff in processing and accessing information; (e) setting up a regional virtual forum for cooperation between KPPU and other ASEAN countries on competition law and policy.

37. Furthermore, the Supreme Court of Indonesia has asked UNCTAD to assist with private enforcement of competition law by organizing workshops and providing appropriate background documentation.

Jamaica

38. In 2007, representatives of the Fair Trading Commission (FTC) participated in various conferences, workshops and study tours held in Bridgetown (Barbados - three meetings), Port of Spain (Trinidad and Tobago- two meetings), Georgetown, Guyana, Paramaribo, Suriname, Belize, Rome, New York, Gainesville, United States, Cambridge, United Kingdom, Ottawa, Canada and San Salvador, El Salvador. In Kingston, the IDB/MIF funded the Shirley Playfair Lecture and visits of two consultants who provided the FTC with training and guidance on ongoing investigations and advocacy matters.

Japan

39. The Japan Fair Trade Commission (JFTC) provided the following technical assistance in 2007: (a) country-focused training for China and Indonesia; (b) group training for 10 developing countries; (c) local workshops for China and Philippines, (d) advocacy seminars for China; (e) the dispatching of a long-term advisor to Indonesia, (f) the APEC Training Course in Singapore; (g) the dispatching of officials to seminars organized by other jurisdictions and international organizations such as APEC, Organization for Economic Cooperation and Development and UNCTAD. Assistance under points (a) to (e) was provided with the financial support of the Japan International Cooperation Agency (JICA).

Italy

40. In 2007 the Italian Competition Authority (ICA) carried out the following projects:

(a) *Romania*: a Phare programme on “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”. The project is aimed at fulfilling the required conditions regarding the legal framework, institutional organization and job qualifications for the national institutions involved in competition protection and State aid control, as well as the promotion of the competition and State aid rules and discipline.

(b) *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” aimed at the establishment of administrative capacity to properly apply directly the antitrust acquis in light of the preparation of Bulgaria for the internal market.

(c) *Russian Federation*: a 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”. In the course of the project, ICA

organized two seminars in Rome and Moscow to discuss competition issues related to the banking sector. At the end of the project, a report was delivered on the role played by the State in the financial sector of the Russian Federation.

Latvia

41. To successfully carry out the tasks identified in EC Regulations No. 1/2003 and 139/2004, the Competition Council of Latvia (CCL) has to develop its market and sectoral investigation as well as analytical capacity. In 2007, the CCL prepared and submitted documentation for implementation of the EU-funded Transition Facility Twinning Light Project No. LV/2006EC-01TL entitled "Further economic research and analysis capacity strengthening of the Competition Council". The project is to be implemented in 2008 and is designed to improve the CCL's capacity for economic analysis as an instrument to increase competitiveness of national economy within the scope of the goals defined by the Lisbon Strategy.

Portugal

42. In 2007, the Portuguese Competition Authority (PCA) cooperated in the development of the Ibero-American Competition Network and participated, together with UNCTAD, in technical cooperation activities in the context of the Lusophone Competition Network. The PCA also hosted a delegation from Bulgaria in the context of European Commission's TAIEX programme, provided training in the area of concentration to Chinese officials; and worked together with the Turkish Competition Authority on the establishment of a Technical Assistance Protocol to develop joint projects in the field of competition policy. In addition, the PCA participated in a Conference held in Tunisia in the context of the EU Twinning Project with Tunisia dedicated to competition, distribution and consumers.

South Africa

43. There have been at least two workshops hosted by the South African competition authorities, conducted by UNCTAD officials and attended by delegates from other African countries. The Competition Commission has also sent its representatives to other African countries to facilitate UNCTAD workshops. In 2007, the Commission, with the assistance of UNCTAD, hosted a delegation from Botswana in order to assist Botswanan officials with the setting-up of a competition authority.

Suriname

44. The only planned technical cooperation is that envisaged within the framework of the Cariforum-EU relations (EPA).

Turkey

45. In 2007, the Turkish Competition Authority (TCA) organized a one-week extensive training programme for the officials of the Mongolian Competition Authority. It also received officials from Uzbekistan within the framework of the Uzbekistan National Development Programme, as well as Jordanian competition officials. The TCA in principle accepted a request for technical assistance from the Albanian Competition Authority. The TCA signed a memorandum of understanding (MoU) with the Bulgarian Commission on Protection of

Competition and is prepared to sign similar agreements with Portuguese and Mongolian competition authorities. In addition, it actively participated in various ICN working groups and benefited from the consultation programme organized under the auspices of the Working Group on Capacity-building and Competition Policy Implementation.

Viet Nam

46. Since 2003, the Viet Nam Competition Administration Department (VCAD), in the process of drafting appropriate legislation, has received considerable support from the Canadian Policy Implementation Assistance Project. The 7Up2 program of CUTS International is helping the VCAD in training human resources as well as in popularizing the responsibility of protecting consumers within the business community. A project backed by the Swiss Government to assist VCAD with competition and consumer protection areas is being implemented during 2008-2010.

Andean Community

47. Despite activities undertaken in the context of the Competition Project (November 2002 to October 2005), to date neither Bolivia nor Ecuador have been able to implement national standards relating to competition. They do not however have a competition authority responsible for the protection and promotion of competition, and only have temporary free competition/trade authorities.

48. In the area of capacity-building, in 2007 staff from the Commercial Defense and Competition Instruments Project participated in the Ninth Internship Programme for civil servants from North and South America at the National Institute for the Defence of Competition and Intellectual Property (INDECOPI).

Organization for Economic Cooperation and Development

49. Competition outreach is an activity which is integrated into the work of the Organization for Economic Cooperation and Development's Competition Committee. The bulk of outreach activities are conducted through the two Organization for Economic Cooperation and Development Regional Centres for Competition in Korea and Hungary. These constitute the focal points for much of the Organization for Economic Cooperation and Development's capacity-building work in Asia and Central and Eastern Europe. In 2007, Organization for Economic Cooperation and Development outreach activities included a full programme of events at these two Centres - seven seminars in Budapest and four seminars in Seoul, attended by competition officials from the region.

50. An annual European Judges Seminar on EC Competition Law Fundamentals was run in Budapest for judges at national courts of new EU member countries, applicant countries and other South-East European countries. Seminars and consultations were also held in Russia, Viet Nam, China, Malaysia, Indonesia and Mongolia. A workshop on tools for an effective competition policy was held in Tunisia for the French-speaking North African countries. A project to reduce bid-rigging was launched in Latin America. Consultations were held with Brazil and Chile on establishing anti-bid-rigging enforcement practices.

51. The fifth annual meeting of the Organization for Economic Cooperation and Development Latin American Competition Forum took place in Puebla, Mexico in September. It included a roundtable on public procurement in Latin America, an introduction to the Organization for Economic Cooperation and Development Competition Assessment Toolkit and a follow-up to the previous peer reviews of Argentina, Brazil, Chile, Mexico and Peru.

B. Requests for assistance

52. This subsection contains extracts from the replies received to the Secretary General's note, as well as from other correspondence of UNCTAD, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which States wish to receive priority attention.

Albania

53. The recently restructured Albanian Competition Authority (ACA) requires assistance in general competition law and policy-related areas such as abuse of dominant position, mergers and restrictive agreements or arrangement. Assistance is also required in the following fields: (a) improvement of the legislative framework / secondary legislation in accordance with the EU competition legislation; (b) evaluation of laws and draft acts; (c) competition advocacy and public awareness; (d) investigation techniques; (d) investigation expertise in different sectors such as energy, finance (banking and insurance markets), liberal professions, media and advertising.

Bhutan

54. Bhutan is requesting assistance from UNCTAD in (a) preparing market surveys in selected sectors of interest to consumers, as well as applying guidelines and regulations for the implementation of the Consumer Protection Law; (b) organizing two regional awareness-building workshops on the results of the surveys and on the recently adopted Consumer Protection Bill.

Burkina Faso

55. Burkina Faso needs increased technical assistance in general in order to strengthen its competition law and policy.

Colombia

56. The Superintendencia de Industria y Comercio would like to receive assistance from and learn more about the experiences of Argentina, Brazil, Chile, Mexico, European Union, Spain, United States and Canada, in particular about the experiences accumulated within trade agreements, both regional (MERCOSUR - Argentina, Brazil and Chile; NAFTA - Mexico, United States and Canada) and bilateral (Chile with Japan and United States).

57. Colombia believes it would be useful to have some training in the prosecution of restrictive business practices and the analysis of concentration in expanded markets, and would like to have: (1) expert advice; (2) training for staff, on internships and courses abroad; (3) an exchange of information; and (4) training on the subject in situ, at seminars and workshops.

Kenya

58. Kenya seeks assistance in the following areas:

- (a) Advocacy and pedagogical initiatives after the enactment of the new competition legislation;
- (b) Capacity-building, especially in investigative and research areas, through national workshops and seminars;
- (c) Equipping the documentation centre with the latest economic books and journals on competition issues;
- (d) Attachment of MPC staff to well-developed competition agencies.

Lebanon

59. Assistance is requested in the form of international experts' missions, staff training, workshops and study visits to formally establish the Lebanese Competition Council to ensure that it is operational before the end of 2008.

Madagascar

60. The Directorate for Competition and Internal Trade of the Ministry of the Economy, Trade and Industry made a presentation on a project to strengthen the capacity of the national competition authorities. The overall goal of the project is to ensure optimal competition in the markets. Other objectives of the project include the establishment of a Competition Council responsible for applying competition legislation and rules in the context of the new system outlined in the Competition Act, as well as the establishment of an integrated competition information and education system.

Malawi

61. Malawi seeks assistance in the following areas:

- (a) Training of Commission staff;
- (b) Study tour and training of commissioners;
- (c) Training workshops for judges;
- (d) Awareness-building workshops for journalists;
- (e) Awareness-building workshops for sector regulators.

Malaysia

62. Malaysia seeks assistance in preparing sectoral studies on the following subjects:

- (a) Addressing agricultural sector and competition issues;

- (b) Dealing with retail price maintenance in competition legislation;
- (c) Formulating penalties and sanctions in competition legislation;
- (d) Justifying the exclusion of the shipping sector.

Mauritius

63. The Ministry of Industry, Small and Medium-sized Enterprises, Commerce and Cooperatives seeks the services of an expert to help draft guidelines and memoranda and to assist with capacity-building. An appropriate person is also needed to serve as the Executive Director of the Competition Commission.

Mozambique

64. UNCTAD was requested to organize a briefing for the Minister of Trade and Industry on the Law prepared by UNCTAD with a view to allowing the Minister to reply to the queries of Cabinet and Parliament.

Namibia

65. Namibia seeks assistance in the following areas:

- (a) Attachment of an advisor to provide technical backup for the Commission;
- (b) Training for Commission staff;
- (c) Study tour and secondment of Commission staff to well-functioning Commissions or Authorities.

Oman

66. The Competition Commission is requesting assistance in the implementation of the Royal Decree on “Promulgating the Law on Trademarks, Descriptions and Secrets and Protection from Unfair Competition”.

Suriname

67. The following assistance is needed:

- (a) Training programmes that will give local law and trade officials a better understanding of different aspects of competition law and policy;
- (b) Training programmes for the private sector and consumer organizations;
- (c) Public awareness programmes in order to better prepare the general public for the implications of competition legislation.

Swaziland

68. Swaziland seeks assistance in the following areas:

- (a) Training of Commission staff, including on investigation issues;
- (b) Attachment of an advisor to assist in the setting-up of the Commission;
- (c) Study tour to well-functioning Commissions or Authorities;
- (d) Sharing of information and subscription to journals on competition issues;
- (e) Advocacy seminars and workshops on the role of competition policy and law.

Viet Nam

69. The VCAD is seeking support and assistance from other competition authorities like the Japan Fair Trade Commission, the Korea Fair Trade Commission, the United States Federal Trade Commission, the United States Department of Justice, etc.

Zambia

70. The Government of Zambia is in the process of developing a competition and consumer welfare policy and reviewing the existing Competition and Fair Trading Law. To this end, the Government is seeking UNCTAD's assistance with the formulation of a national competition policy. Assistance is also needed to review the Competition and Fair Trading Act. Zambia has access to funding for this review.

Zimbabwe

71. The Competition and Tariff Commission is requesting assistance in co-organizing, with the Zambian Competition Commission, the Regional Basic Competition Training Seminar for countries of Eastern and Southern Africa. The seminar is envisaged as an interactive training course designed to promote greater understanding and effective implementation of competition laws and regulations. It is intended for competition officials (including newly recruited officers) responsible for investigation of anti-competitive practices and merger control enforcement.

Andean Community

72. Technical assistance is required in the following areas:

- (a) Technical assistance to consolidate Bolivian and Ecuadoran national norms relating to competition and to the establishment of competition authorities;
- (b) Visits from international experts to provide training for Andean Community civil servants in the areas of support for investigations and settlement of cases;

(c) Internships for Andean Community civil servants in competition authorities in Europe, Mexico, the United States, etc.;

(d) Opportunities for Andean Community civil servants to participate in international forums such as the International Competition Network (ICN) and the Organisation for Economic Cooperation and Development (OECD);

(e) Facilitate exchange of staff between Andean agencies and agencies from outside the Andean Community of Nations (CAN);

(f) Support for the consolidation and implementation of Andean Community and national norms.

73. The Common Market for Eastern and Southern Africa (COMESA) is requesting assistance from UNCTAD in providing resource persons for the following seminars: (a) regulations and rules for the newly established Competition Commission of the Common Market for Eastern and Southern Africa; and (b) capacity-building for the newly appointed Commissioners.
