



UNCTAD

<p style="text-align: center;">Minutes third Meeting Working Group on modalities of UNCTAD voluntary peer review exercises, 17 March 2021</p>

The [Eighth United Nations Conference on Competition and Consumer Protection](#), held from 19 to 23 October 2020, decided to establish a “*working group on modalities of UNCTAD voluntary peer review exercises, open to member States on a voluntary basis, without any financial implications for the regular budget of the United Nations, to discuss and improve existing procedures and methodology, to report respectively to the nineteenth and fifth sessions of the Intergovernmental Groups of Experts on Competition and Consumer Protection laws and policies.*” The Working Group held its third meeting on 17 March 2021 (at 14:00 CET).

1. The meeting was opened and moderated by the secretariat.
2. The secretariat asked if the work plan of the Working Group (Annex I), proposed in the second meeting can be adopted, as no written comments were received. The secretariat also presented the document on a detailed picture of all stages of the current voluntary peer review process (Annex II), and asked for comments on the document and possible improvements on the existing voluntary peer review procedure.
3. Participants provided comments and inquiries:
 - a. The United States and some other participants appreciated the detailed picture of current voluntary peer review process as basis for discussion.
 - b. Ms. Suriya Prabha Padmanaabhan (TRACIT) asked whether and at which stage member states can provide inputs for questions in the peer review procedure, and the secretariat answered that during peer review sessions in the IGE any participants can ask questions.
 - c. The Philippines shared its experience of ASEAN peer review on consumer protection law and policy as the first reviewee, which started with a self-assessment and was funded by GIZ.
 - d. Mexico asked about the past experience of peer reviews (on competition) conducted so far, and the secretariat shared the link for the past peer review reports: [https://unctad.org/official-documents-search?f\[0\]=product%3A592](https://unctad.org/official-documents-search?f[0]=product%3A592).
 - e. Mr. Ujwal Kumar (CUTS) asked how civil society and consumer groups such as CUTS can participate in the peer review process. The secretariat explained that they can contribute in the fact-finding stage and the dissemination stage. Comments for the improvements of the process from the civil society’s viewpoint are also welcomed.
 - f. Chile, which is undergoing UNCTAD voluntary peer review on consumer protection law and policy, expressed interest in ensuring a good management of the know-how generated while conducting peer reviews, e.g. how to choose consultants, how to make right questions, in order to inform future peer reviews.
 - g. Italy asked: (1) if peer reviewers can participate in earlier stages including drafting of the peer review report, (2) if the full report in English (or other languages) is available in advance, (3) if more informal exchanges between peer reviewees and reviewers are possible, and (4) if member States are involved in the drafting of the capacity building project for the implementation of the peer



UNCTAD

review recommendations. The secretariat stated that (1) peer reviewers are usually chosen by the reviewee in consultation with UNCTAD, based on the results of the fact-finding mission, (2) UNCTAD's official translations takes at least 14 weeks, and informal translations are possible, but have budgetary implications, (3) informal exchanges are possible before and after peer review sessions, but all intergovernmental meetings must be scripted for interpretation purposes. Also, (4) capacity building project is drafted by UNCTAD, in consultation with the beneficiary country, depending on available funding.

- h. Peru, which volunteered peer review on consumer protection law and policy in 2020, underlined the importance of UNCTAD voluntary peer reviews, which are tailored to the needs of the volunteering country, and also emphasised that the issue of funding and languages should be taken into account.
 - i. The secretariat explained that UNCTAD cannot hire government officials as experts due to its human resources management policy, in response to a question from CARICOM.
4. The work plan of the Working Group is adopted as contained in Annex I. The secretariat asked participants to submit written comments on the possible improvements on the current voluntary peer review process, with reference to the document on the mapping, for the discussion in the next meeting of the Working Group.
5. The next meeting of the Working Group will be held on 3 May from 14:00 CET to 15:00 CET.



UNCTAD

Working Group on modalities of UNCTAD voluntary peer review exercises		
3rd Meeting – List of Participants		
Name	Organization	Country
Paola Rubín	National Direction on Consumer Protection	Argentina
Mahammad Mammadzada	State Service for Antimonopoly and Consumer Market Control	Azerbaijan
Kamala Huseynli	Permanent Mission of Azerbaijan to the UN office in Geneva	Azerbaijan
Mohd Khalid Abu Naser	Competition Commission	Bangladesh
Troy Waterman, Dava Leslie-Ward	Fair Trading Commission	Barbados
Francisco Carlos F. Pacheco	PROCON - Florianópolis	Brazil
Nazara Zago	Administrative Council for Economic Defense (CADE)	Brazil
Daniela Gil	Consumers National Service (SERNAC)	Chile
Sherif Aboualam, Mohamed El-Baroudy	Competition Authority	Egypt
Anita Nyeso	Competition Authority (GVH)	Hungary
Anupam Mishra	Consumers Affairs	India
Michele Pacillo	Competition Authority (AGCM)	Italy
Rafael Regla	Federal Consumer Protection Agency	Mexico
Alejandro Pedraza, Paulina Valladares, Heidi Sada Correa	COFECE	Mexico
Ivonne García González, Jimena Itzel Sierra Navarrete	Federal Telecommunications Institute (IFT)	Mexico
Camille Castillo	Department of Trade and Industry	Philippines
Tamara Novovic	Consumer Protection Sector of Ministry of Trade, Tourism and Telecommunications	Serbia
Yvonne Stein	Ministry of Finance	Sweden
Krystle S. Maharaj	Fair Trading Commission	Trinidad and Tobago
Damla Yeseren Arafa	Ministry of Trade	Turkey
Hugh Stevenson, Russell Damtoft, Michael Panzera	Federal Trade Commission	United States
Caldwell Harrop	Department of Justice	United States



UNCTAD

Rommell Hippolyte	Caribbean Community (CARICOM)	
Lidiya Osaulenko, Sergey Sinyakov	Eurasian Economic Commission	
Olivier Angaman	West African Economic and Monetary Union (WAEMU)	
Antonino Serra Cambaceres	Consumers International	
Ujwal Kumar	CUTS	
Sita Zimpel	GIZ Indonesia/ASEAN	
Rajan Dhanjee	Global Traders Conference	
Laura Best	Nelson Mandela University	
Suriya Prabha Padmanaabhan	TRACIT	
Rosa Alba Ruffo	World Tourism Organization (UNWTO)	
Robin Simpson	Expert, New Caledonian competition authority	
Elikana Maroge		
Jimena Vallejo Montes		
Manuel Andre Calampa Villaorduña		
Melissa Torres Salguero		
Nebyou Alemayehu		
Olivera Maric		
Prabash Jennah		



UNCTAD

Annex I

Proposed Workplan Working Group on modalities of UNCTAD voluntary peer review exercises
--

The current document contains and UNCTAD secretariat work plan proposal for the Working Group on modalities of UNCTAD voluntary peer review exercises, to be discussed and decided at the second meeting of the Working Group on 8 February 2020.

Background

As contained in its Resolution, the [Eighth United Nations Conference on Competition and Consumer Protection](#), held from 19 to 23 October 2020, decided the following regarding the UNCTAD voluntary peer reviews of competition and consumer protection laws and policies:

[13]. *Congratulates* the Government of Peru and the West African Economic and Monetary Union for their voluntary peer review on consumer protection law and policy and competition law and policy, respectively, looks forward to the successful implementation of their policy recommendations and encourages interested member States to volunteer for future peer reviews on consumer protection and competition laws and policies, including as peer reviewers;

[14]. *Underlines* the value of the UNCTAD voluntary peer reviews as a useful tool for the exchange of experiences and cooperation, at both the national and regional levels, and invites member States to assist UNCTAD on a voluntary basis by providing experts and financial resources, as national laws and policies allow, for future activities in connection with these reviews;

[15]. *Decides* that UNCTAD should:

- a. undertake further voluntary peer reviews of competition and consumer protection law and policy in member States or regional economic organizations, strengthening these reviews alongside sessions of the Intergovernmental Groups of Experts, and
- b. establish a working group on modalities of UNCTAD voluntary peer review exercises, open to member States on a voluntary basis, without any financial implications for the regular budget of the United Nations, to discuss and improve existing procedures and methodology, to report respectively to the nineteenth and fifth sessions of the Intergovernmental Groups of Experts on Competition and Consumer Protection laws and policies.

The Working Group held its first meeting on 17 December 2021, which discussed the results of a preliminary questionnaire on the issue and decided that the UNCTAD secretariat would produce a workplan to include: the scope of the discussions, the regularity of meetings, a proposed methodology and possible outcomes.

Scope of discussions



UNCTAD

The Working Group focuses on discussing and improving existing procedures and methodologies of UNCTAD's Voluntary Peer Reviews on Competition and Consumer Protection.

Regularity of meetings

The Working Group meets approximately every 6 weeks until the Intergovernmental Groups of Experts on Competition and Consumer Protection Laws and Policies (5 to 9 July 2021). The calendar is as follows:

8 February

17 March

3 May

21 June

More meetings may be called, if needed, upon request from participating member States.

Proposed methodology

From the results preliminary questionnaires discussed at the first meeting of the Working Group, several strengths and proposals for improvement were identified throughout the peer review process (see Annex 1).

The UNCTAD secretariat will produce a detailed picture of all stages of the peer review process as currently conducted. It will then gather proposed improvements sent by participants of the Working Group for discussion.

Possible outcomes

The discussions of the Working Group will be reported orally to the nineteenth and fifth sessions of the Intergovernmental Groups of Experts on Competition and Consumer Protection Laws and Policies, including possible improvements for consideration.



UNCTAD

Annex II

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

1. Consultation

(1) Request by volunteering member State/regional organization

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

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

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

(3) Fact-finding mission

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

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

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



UNCTAD

(4) Drafting the peer review background report

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

2. Peer review

(5) Selection of peer reviewers

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

(6) Preparation of peer review

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

(7) Prepare a capacity-building project proposal

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

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

- UNCTAD secretariat organizes a peer review round-table discussion and presents the peer review background report and recommendations.

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



UNCTAD

- Interactive session of questions and answers between reviewers and reviewed member State, and with the rest of participating member States (as contained in a script of the session) takes place. Interpreters require all interventions in writing in advance.
- UNCTAD secretariat presents the capacity building project proposal ((7) above) to accompany the reviewed member State in implementing the recommendations from the peer review background report and the interactive session.
- UNCTAD secretariat prepares a report of the session (translated into six UN official languages and released online) contained in the overall report of the IGE meeting.

3. Follow-up

(9) Dissemination of peer review results

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

(10) Implementation of the capacity-building project

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



UNCTAD

Reference: Flowchart of the process

