

SEVENTH UNITED NATIONS CONFERENCE TO REVIEW THE UNITED NATIONS SET ON **COMPETITION POLICY**

Geneva, Palais des Nations

“Consultations on the revised Chapters I, IV, VIII, XI and XIII of the UNCTAD Model law on Competition”

See UNCTAD report TD/RPB/CONF.8/1-5

Why Revise the Model Law?

Why?

- To keep abreast with changes in legal frameworks
- To introduce new elements from member states competition laws; Both new laws and revision of old ones
- To share best practice and case laws among member states

Current revised Chapters

**Chapter I “Objectives of the Law”
(TD/RBP/CONF.8/L.1)**

**Chapter IV “Abuse of Dominance”
(TD/RBP/CONF.8/L.2).**

**Chapter VIII “Consumer Protection”
(TD/RBP/CONF.8/L.3)**

**Chapter XI; Sanctions and relief.
(TD/RBP/CONF.8/L.4).**

**Chapter XIII; Actions for damages
(TD/RBP/CONF.8/L.5).**

Chapter 1; objectives or purpose of the law.

Objectives: Public interest criteria added to the
part of «other considerations»

South Africa, China, Hungary and Poland

**Alternative approaches in existing legislation –
objective/purpose:**

**Algeria, Gambia, Namibia, South Africa, Tanzania,
Zambia, China, Mongolia, Hong Kong China, Japan,
Malaysia, Republic of Korea, Australia, Armenia,
Iceland, Norway, Albania, Russian Federation,
Serbia, Turkey, Ukraine, Germany, France,
Denmark, Estonia, Hungary EU , Brazil , Colombia,
Costa Rica, Panama and Peru.**

Chapter IV “Abuse of Dominance”

Alternative approaches in existing legislation – Determining dominant position, predatory behavior, price discrimination, RPM, importation of goods, refusal to deal, tying and bundling:

South Africa, Zambia, Zimbabwe Mongolia, Russian Federation, Poland, Lithuania, Spain, Costa Rica, Nicaragua, Canada etc

Chapter VIII “Consumer Protection”

Based on UNGCP; translated into provisions:

Product safety regulation (Australia)

Protection from false or misleading information (Barbados)

Control of standard contract terms (Germany, EU)

Information disclosure requirements (EU)

Mandatory codes of conduct or rules of behavior (UK, Japan, Australia)

Chapter XI; Sanctions and relief.

Alternative approaches in existing legislation:

(a) Sanctions;

Types of sanctions,

Maximum amount of fines:

- **Expressed as a fixed sum**
- **Expressed by reference to a variable unit**

(b) Remedies:

Interim orders

Long term/permanent orders

Divestiture

Chapter XIII; Actions for damages.

Alternative approaches in existing legislation –

Private actions for damages (China, EU, UK, South Africa, Tunisia)

Possible class actions (Japan)

Individual actions and class actions (Germany, Brazil, Australia, US)

**THANK YOU FOR YOUR
ATTENTION**