

**Twentieth Session of the Intergovernmental Group of Experts on
Competition Law and Policy,
21-22 July 2022**

Room XVII, Palais des Nations, Geneva

**Report on the Implementation of the Guiding Policies and Procedures Under
Section F of the Set of Multilaterally Agreed Equitable Principles and Rules
for the Control of Restrictive Business Practices**

Presentation

UNCTAD



INTERGOVERNMENTAL GROUP OF EXPERTS ON
Competition law and policy

20 - 22 July 2022, Palais des Nations





REPORT ON THE IMPLEMENTATION OF THE
GUIDING POLICIES AND PROCEDURES
UNDER SECTION F OF THE SET OF
MULTILATERALLY AGREED EQUITABLE
PRINCIPLES
AND RULES FOR THE CONTROL OF
RESTRICTIVE BUSINESS PRACTICES

Wednesday, 20 July 2022
4.45 – 5 p.m., Room XVII





Experience gained so far in the implementation of the GPP (1)

- ✓ Since October 2020, two (2) specific requests for facilitation of cooperation under Section F of the UN Set
- ✓ December 2020, South African request related to difficulty in obtaining key information on an abuse of dominant position investigation against a foreign firm
- ✓ COMPCOMSA sought the support from the competition authority of the jurisdiction of the parent company- lack of cooperation agreements- no exchange of information
- ✓ Despite the good offices of the Secretariat all efforts of obtaining information from the multinational company did not amount to information sharing
- ✓ The case was finalised in February 2022 and has referred to the Competition Tribunal for prosecution



Experience gained so far in the implementation of the GPP (2)

- ✓ May 2021, Eurasian Economic Commission (EEC) referred an alleged abuse of dominance and anti-competitive agreements in the cross-border markets of mobile application store services and advertising services against a foreign-based multinational company
- ✓ Two case investigations regarding (a) unfavourable conditions on mobile application developers and (b) unfavourable conditions for access by advertisers
- ✓ The foreign-based multinational company registered in several countries including two advanced authorities in the Americas and Europe
- ✓ By October 2021, the Secretariat managed to get information from one of the competition authorities
- ✓ In 2022, the EEC informed the UNCTAD Secretariat that the case has been referred to be investigated by the national competition authorities of the Eurasian region



Suggestions for future work

- ✓ UNCTAD Report (2021) suggested two different areas to further promote the GPP: (1) design an advocacy plan for the GPP to be used in developing countries; and (2) gather and share a comprehensive list of international cooperation instruments and agreements in force to support competition authorities to better understand the existing mechanisms and reflect on the most suitable avenues to explore
- ✓ UNCTAD Secretariat should organize virtual capacity building activities in relation to the GPP at the regional level in coordination with the Regional Economic and Social Commissions of the UN Secretariat worldwide.
- ✓ Secretariat and its partners should prepare ad-hoc regional background documentation, gather & share a comprehensive list of international cooperation instruments and agreements
- ✓ Member States' proposals during XXth session of the IGE on Competition Law and Policy to be considered



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Thank you

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