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**Review of Capacity-Building and Technical Assistance on Competition
Laws and Policies**

**Presentation by Intergovernmental Group of Experts on
Competition Law and Policy - UNCTAD**

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INTERGOVERNMENTAL GROUP OF EXPERTS ON
**COMPETITION
LAW AND POLICY**



Review of capacity-building and technical assistance on competition laws and policies



EIGHTEENTH SESSION OF THE INTERGOVERNMENTAL GROUP OF EXPERTS ON **COMPETITION LAW AND POLICY**

WHY IS UNCTAD THE BEST INTERNATIONAL ORGANIZATION FOR TECHNICAL ASSISTANCE IN DC, LDC AND EIT?

- UNCTAD is the focal point for competition law and policy within the United Nations system. UNCTAD aims to assist developing countries in better participating in the global economy, and technical cooperation is a core activity for this purpose.
- The United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly through resolution 35/63 of 5 December 1980 instructs UNCTAD and its member States to provide technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries.
- In the agreed conclusions adopted by the seventeenth session of the Intergovernmental Group of Experts on Competition Law and Policy, the UNCTAD secretariat was requested to prepare, for the consideration of the eighteenth session, an updated review of capacity-building and technical assistance activities, taking into account information received from member States by 28 February 2019.



WHAT IS UNCTAD'S STRATEGY?

- Strengthening of institutional capacities in competition laws and policies, the formulation and enforcement of competition rules, and the fostering of national and regional competition policies in Africa, Asia and the Pacific, the Balkans, Latin America and the Caribbean, and the Middle East and North Africa.
- The strategy focuses on the following aspects and issues:
 - a) Technical assistance for consumer protection policy and regulation;
 - b) An enabling environment for the private sector;
 - d) Expanded regional focus;
 - e) Follow-up and impact assessment of activities.
- For example, in the Central Africa project UNCTAD has worked on the reform of competition legislation proposing a regulation and a directive that will facilitate the coordination between regional and national competition authorities in the enforcement of the rules in the region. These regulations were adopted in April 2019.

WHAT ACTIVITIES HAVE BEEN IMPLEMENTED?

- **Projects:** COMPAL Program (17 countries of Latin America), MENA Program (7 countries of Middle East and North Africa), Central Africa Program (8 countries) and Asean countries.
- **Legal and institutional framework:**
 - Belarus (Ministry of Antimonopoly Regulation and Trade - MART) and the Eurasian Economic Commission requested UNCTAD to undertake a legal assessment of the national and the regional competition regimes.
 - Unctad has carried out advisory work that has contributed to the adoption of a merger control law in Peru
 - UNCTAD drafted, in partnership with GIZ, a report that analyzed the draft Competition bill of Cambodia,
- **Strengthening human resources capacities** and implementing advocacy and awareness-raising activities: MENA program (2 workshops), COMPAL Program (3 activities), CEMAC (8 activities), **Tanzania** (3 activities), **Cape Verde** (1 activity).
- **Digital tools and market studies:** Knowledge management platform for the MENA countries and the virtual catalogue of the international best practices (INDECOPI).
- **Strengthening partnerships and furthering South–South cooperation:** Expert meetings, international and regional forums and partnerships.

HOW TO ADAPT TECHNICAL ASSISTANCE TO THE NEW CHALLENGES OF THE DIGITAL ECONOMY?

- The rapid growth of electronic commerce and the development of new business models powered by large platforms are dramatically changing markets' structure and impacting on consumers at a rapid pace
- It is necessary to combine competition, consumer protection and data protection policies to design measures and initiatives that take into account all aspects involved.
- The activities suggested by the authorities for the coming years are the following:
 - i) data protection and how this area affects the enforcement of the rules on competition;
 - ii) e-commerce and its evolution, steps to be taken, and how to align national legislation with it;
 - iii) The new technology of blockchain and its linkage with bitcoin;
 - iv) Exclusive and special rights, public procurement procedures for bid rigging and evaluation under merger control procedures.

HOW TO ADAPT TECHNICAL ASSISTANCE TO THE NEW CHALLENGES OF THE DIGITAL ECONOMY? (2)

The activities suggested by the authorities for the coming years are the following (cont'd):

- Studies that analyze:
 - i) the evolution of fintech regulation by region (Latin America, Europe, Asia, Africa) and its impact on competition in traditional banking (barriers to entry, investment incentives);
 - ii) competition cases in the fintech markets and exchange of lessons learned on their treatment.

HOW TO DO THIS IMPORTANT WORK?

- **UNCTAD** relies on **voluntary contributions** to conduct capacity-building and technical assistance
- **Currently**, UNCTAD has more than **18 pending requests** for Technical Cooperation to assist DC, LDC and EiT to adapt their legislations, to strength the capacities of their staff and to advise and assist them in fully grasping the benefits that the digital economy can bring them.
- We ask member States and other partners who are interested in supporting capacity-building and technical assistance activities **to approach the UNCTAD secretariat** to explore avenues of cooperation in order to minimize existing resource constraints.
- **We count on your support**

MANY THANKS!

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