

**9th United Nations Conference on Competition and Consumer Protection
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**Review of UNCTAD Model Law on Competition
Part 2: Commentaries
Project update**

Presentation

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Review of UNCTAD Model Law on Competition, Part 2: Commentaries

Project update

Friday, 11 July 2025
12:00 - 12:30, Room XIX

Dr Sven Gallasch

➤ Rationale for review

Evolution of UN Model law Part 2

- Commentaries (Part 2) initially introduced to emphasize the guidance nature of the Model law
- Assisting developing countries' efforts to adopt competition law regimes without restricting their discretion in policy choice
- With virtual all member States' now having adopted competition laws, it is pertinent to revisit and rethink the status of Part 2

➤ Rationale for review

UN Model law (especially Part 2) still relevant

- Designed as a reference point for comparative information and analysis of chapter-specific competition law aspects
- Well placed to provide a repository of competition law changes and developments in member States following broader policy discussions
- Assisting in informed decision-making, best practice sharing, cross-institutional learning, and cooperation that can facilitate soft convergence

➤ Redesigning Part 2

Project

- Improve accessibility
- Increase visibility
- Increase user-friendliness
- Rethinking content/presentation
 - Case law
 - Guidelines
 - Policy papers
 - Reports
- Pilot project on Chapter I with ASEAN member States

Alternative approaches in existing legislation

17. Alternative approaches in existing legislation to the objectives or purpose of competition law are detailed in the table.

Country, territory or group by region		Objective or purpose
Africa		
1.	Algeria	Article 1 of Competition Ordinance No. 03-03, dated 19 July 2003, amending Ordinance No. 95-06, dated 25 January 1995, provides that the Ordinance "is to establish the conditions for exercise of market competition, to prevent any restrictive practice and control economic concentrations to stimulate economic efficiency and improve consumer welfare". Compared to Ordinance No. 95-06, the new competition law includes the prevention of restrictive behaviour and practices in the Algerian market as one of its objectives.
2.	Gambia	The objective of Competition Act No. 4, 2007, is to "promote competition in the supply of goods and services, by prohibiting collusive agreements and bid rigging, by providing for investigation and control of other types of restrictive agreements and of monopoly and merger situations, by promoting understanding of the benefits of competition".
3.	Namibia	Chapter 1 of Competition Act No. 2, 2003, states that the purpose of the Act is to "enhance the promotion and safeguarding of competition in Namibia in order to (a) promote the efficiency, adaptability and development of the Namibian economy; (b) provide consumers with competitive prices and product choices; (c) promote employment and advance the social and economic welfare of Namibians; (d) expand opportunities for Namibian participation in world markets while recognizing the role of foreign competition in Namibia; (e) ensure that small undertakings have an equitable opportunity to participate in the Namibian economy; and (f) promote a greater spread of ownership, in particular to increase ownership stakes of historically disadvantaged persons". Competition law in Namibia assumes a public interest function alongside core competition law considerations.
4.	South Africa	Article 2 of chapter 1 of Competition Act No. 89, 1998, states that the "purpose of this Act is to promote and maintain competition in the Republic in order (a) to promote the efficiency, adaptability and development of the economy; (b) to provide consumers with competitive prices and product choices; (c) to promote employment and advance the

➤ Redesigning Part 2

Past example from Chapter I Part 2

Asia and Pacific

7. Australia

Section 2 of the Competition and Consumer Act, 2010, states that the **object of the Act is to** “enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection”.

➤ Redesigning Part 2

Future proposal for Chapter I Part 2 (Singapore excerpt)

In 2024, CCCS published the [Environmental Sustainability Collaboration Guidance Note](#) (“ESCGN”), which aims to provide greater clarity to businesses on how CCCS will assess collaborations which pursue environmental sustainability objectives. The note states how given that such agreements can be felt by the society at large, CCCS will take into account such economic benefits accruing to Singapore as a whole.

In Jan 2025, CCCS gave a positive guidance that the establishment and operation of a company by two drinks manufacturers to design and operate the Beverage Container Return Scheme did not infringe the Competition Act 2004. This was the [first notification of guidance](#) case which CCCS applied the streamlined process outlined in CCCS’s ESCGN to assess collaborations pursuing environmental sustainability objectives

➤ Redesigning Part 2

Considerations for project success

- Scope of the project has to remain feasible
- Appropriate visualization of the content to achieve project goals
- Participation and input from member States

Thank you

