

Trade and Development Board
Trade and Development Commission
Intergovernmental Group of Experts on Competition Law and Policy
Eighteenth session
Geneva, 10–12 July 2019

Agreed conclusions

The Intergovernmental Group of Experts on Competition Law and Policy,

Recalling the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (UN Set),

Taking into account the resolution adopted by the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (Geneva, July 2015)¹,

Considering the provisions relating to competition issues adopted by the fourteenth session of the United Nations Conference on Trade and Development (UNCTAD XIV, Nairobi, July 2016), including the provisions in paragraphs 69 and 76 (x) of the Nairobi Maafikiano²,

Reaffirming the fundamental role of competition law and policy for sound economic development and the need to further promote the implementation of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Noting that the 2030 Agenda for Sustainable Development and the outcomes of UNCTAD XIV focus on addressing the opportunities and challenges of globalization for development and poverty reduction,

Underlining that competition law and policy is a key instrument for addressing globalization challenges and benefits, including by enhancing trade and investment, resource mobilization and the harnessing of knowledge and by reducing poverty,

Recognizing that an effective enabling environment for competition and development should include both national competition policies and international cooperation to deal with cross-border anti-competitive practices,

Further recognizing the need to strengthen UNCTAD's work on competition law and policy to enhance its development impact and benefits for consumers and business,

¹ TD/RBP/CONF.8/11.

² TD/519/Add.2.

Welcoming Peru's contribution to the work of the Intergovernmental group of experts on competition law and policy in the form of the virtual catalogue of best practices on competition and consumer protection and encourages interested member States to send information to the Secretariat on these instruments,

Expressing appreciation to South Africa's contribution to facilitate the round table on competition issues in the health-care sector at the eighteenth session of the Intergovernmental Group of Experts on Competition Law and Policy,

Noting with satisfaction the important written and oral contributions from member States and their competition authorities and other participants which contributed to a rich debate during the eighteenth session of the Intergovernmental Group of Experts (IGE),

1. *Welcomes* the efforts of member States in implementing the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and reaffirms the interest of competition authorities in exchanging experiences, best practices and challenges regarding competition law and policy;
2. *Underlines* the benefits of enhancing and strengthening enforcement capacities and promoting a competition culture in developing countries and countries with economies in transition through capacity building and advocacy activities targeting all relevant stakeholders; and requests UNCTAD secretariat to disseminate the summary of the IGE discussions on this topic to all interested member States, including through its technical cooperation activities and peer reviews;
3. *Emphasizes* the importance of regional cooperation in the enforcement of competition law and policy; and invites competition authorities to strengthen their bilateral and regional cooperation;
4. *Underlines* the importance of international cooperation as recognized by the Section F of the UN Set, including informal collaboration among agencies, and calls upon UNCTAD to promote and support cooperation between competition authorities and governments, as directed by the Accra Accord in paragraphs 103 and 211, the Nairobi Maafikiano (paragraphs 69 and 76 (x) and the resolution adopted by the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (paragraphs 3 and 16);
5. *Expresses its appreciation* to the participants of the Discussion Group on International Cooperation (DGIC) for their valuable contribution and engagement, and to the UNCTAD Secretariat for drafting the resulting report which successfully fulfilled the mandate entrusted by the IGE on its 16th session;
6. *Welcomes and endorses* the document entitled "Guiding Policies and Procedures under Section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices" ("Guiding Policies and Procedures") prepared by the DGIC, requesting it to be submitted for consideration and approval by Eighth United Nations Review

Conference of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (“Eighth Review Conference”) to be held in 2020;

7. *Requests* the UNCTAD secretariat in cooperation with member States’ Competition authorities’ representatives and members of the DGIC to disseminate the “Guiding Policies and Procedures” across regions, involving business and academia, during the preparatory year before the Eighth Review Conference;

8. *Recognizes* the benefits and challenges of the digital economy for businesses and consumers, and the importance of competition for digital markets and the innovation therein; encourages competition authorities to adapt their enforcement practice and to use their competition law frameworks to promote and protect competition in digital markets; and urges competition authorities to cooperate with each other in dealing with cross-border anti-competitive practices;

9. *Calls upon* UNCTAD to continue its work in the area of digital economy to ensure that all countries, especially developing and least developed countries, benefit from the innovation it brings;

10. *Expresses appreciation* to the Government of Belarus as well as to the Eurasian Economic Commission for requesting the UNCTAD secretariat’s assessment of their competition related provisions and for sharing its challenges with other competition agencies during the eighteenth session of the IGE; *recognizes* the progress achieved so far in the legal competition and institutional framework at the national level (Belarus) and the regional level (Eurasian region);

11. *Recognizes* that healthcare is an essential service and basic right and encourages competition authorities to continue their advocacy and enforcement work to seek to ensure that access to healthcare is granted to all citizens at affordable prices;

12. *Decides* that UNCTAD should, considering the experiences with the voluntary peer reviews undertaken so far and in accordance with available resources, undertake further voluntary peer reviews of competition law and policy of West African Economic and Monetary Union during the Eighth Review Conference in 2020;

13. *Invites* all member States and competition agencies to assist UNCTAD on a voluntary basis by providing experts or other resources for future and follow-up activities in connection with voluntary peer reviews and their recommendations;

14. *Requests* UNCTAD secretariat to prepare reports and studies as background documentation for the Eighth Review Conference on the following topics:

- Strengthening competition in the digital economy;
- “Guiding Policies and Procedures”;
- Implementation of the United Nations Set on Principles and Rules on Competition;

15. *Requests* the UNCTAD secretariat to facilitate consultations on the topics of Competitive neutrality and Combatting cross-border cartels in the Eighth Review Conference;
 16. *Requests* the UNCTAD secretariat to prepare, for the consideration of the Eighth Review Conference an updated review of capacity-building and technical assistance based on information received from member States;
 17. *Requests* the UNCTAD secretariat to revise and update the commentaries of Chapters III and IV of the Model Law on Competition based on submissions to be received from member States;
 18. *Notes with appreciation* the voluntary financial and other contributions received from member States; urges member States to consider making voluntary financial and other contributions to assist UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities or other resources; and requests the UNCTAD secretariat to pursue and, where possible, focus its capacity-building and technical cooperation activities, including training, on maximizing their impact in all interested countries.
-