



# United Nations Conference on Trade and Development

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**Trade and Development Board**  
**Trade and Development Commission**  
Intergovernmental Group of Experts  
on Competition Law and Policy  
Fifteenth session  
Geneva, 19–21 October 2016  
Item 2 of the provisional agenda  
**Adoption of the agenda and organization of work**

## Provisional agenda and annotations

### I. Provisional agenda

1. Election of officers
2. Adoption of the agenda and organization of work
3. (a) Consultations and discussions regarding peer review on competition law and policy; review of the Model Law; and studies related to the provisions of the Set of Principles and Rules  
(b) Work programme, including capacity-building and technical assistance on competition law and policy
4. Provisional agenda for the sixteenth session of the Intergovernmental Group of Experts on Competition Law and Policy
5. Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy

### II. Annotations

#### Item 1 Election of officers

1. The Intergovernmental Group of Experts on Competition Law and Policy will elect a Chair and a Vice-Chair-cum-Rapporteur.

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**Item 2****Adoption of the agenda and organization of work**

2. The Intergovernmental Group of Experts may wish to adopt the provisional agenda contained in chapter I above.

3. It is proposed that the first plenary meeting, which will start at 3 p.m. on Wednesday 19 October 2016, should be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting, on Friday, 21 October 2016, will be devoted to the adoption of the report and the provisional agenda of the sixteenth session of the Intergovernmental Group of Experts to be held in July 2017 (item 4 of the provisional agenda). In view of the short duration of the session, the Vice-Chair-cum-Rapporteur will be authorized to complete the final report after closure of the session.

4. The remaining meetings, from 19 October (after the election of officers and general statements) to the morning of 21 October, can then be devoted to substantive items 3 (a) and 3 (b) of the provisional agenda. If necessary, the adoption of the report may be postponed until the late afternoon of 21 October in order to allow for an informal working session to be held that afternoon.

**Item 3 (a)****Consultations and discussions regarding peer reviews on competition law and policy; review of the Model Law; and studies related to the provisions of the Set of Principles and Rules**

5. In accordance with paragraph 20 of the resolution adopted by the Seventh Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the control of Restrictive Business Practices (see TD/RBP/CONF.8/11, chapter I), the Intergovernmental Group of Experts will consider the following issues at this session:

(a) Examining the interface between the objectives of competition policy and intellectual property;

(b) Enforcement of competition policy in the retail sector;

(c) Enhancing legal certainty in the relationship between competition authorities and judiciaries;

(d) Strengthening private sector capacities for competition compliance.

6. To facilitate the round-table discussion on the four topics and the peer review, the secretariat has prepared four background documents entitled “Examining the interface between the objectives of competition policy and intellectual property” (TD/B/C.I/CLP/36), “Enhancing legal certainty in the relationship between competition authorities and judiciaries” (TD/B/C.I/CLP/37), “Enforcement of competition policy in the retail sector: Competition issues in the food retail chain” (TD/B/C.I/CLP/38) and “Strengthening private sector capacities for competition compliance” (TD/B/C.I/CLP/39).

7. Also in paragraph 7 of the above-mentioned resolution, the Seventh United Nations Review Conference decided that UNCTAD should undertake further voluntary peer reviews on competition law and policy of member State or regional groupings during the next sessions of the Intergovernmental Group of Experts. Accordingly, at its fifteenth session, the Intergovernmental Group of Experts will conduct a voluntary peer review on the competition law and policy of Uruguay. The full peer review report of Uruguay

(UNCTAD/DITC/CLP/2016/1) will be available in Spanish only. To facilitate discussion of the report, an overview will be made available in all languages (TD/B/C.I/CLP/41).

8. The secretariat to continue publishing, as a non-sessional document, the Handbook on Competition Legislation containing commentaries on national competition legislation, providing the basis for further revision and updating of the Model Law. An updated version, the Handbook on Competition Legislation: Consolidated Report 2001–2015 (forthcoming), will be made available. The Directory of Competition Authorities, of which the extended form is the UNCTAD Guidebook on Competition Systems, is available on the UNCTAD website (<http://unctad.org/competition>).

9. Experts are invited to make an oral presentation supported by a short written paper on the subjects referred to above. The papers will be made available in the meeting room during the consultations. Should countries wish to hold consultations on other subjects, they are invited to inform the secretariat of the subject by no later than 16 September 2016, to enable all participants to prepare for the consultations.

### **Item 3 (b)**

#### **Work programme, including capacity-building and technical assistance on competition law and policy**

10. Under the agenda item, the Intergovernmental Group of Experts is expected to give guidance to the UNCTAD secretariat on further capacity-building work to be undertaken on competition law and policy. To facilitate the exercise, the Intergovernmental Group of Experts will have reviewed the four secretariat background documents under agenda item 3 (a) and will have heard presentations by experts, international and regional actors, as well as representatives of the private sector and civil society. The Intergovernmental Group of Experts will also have before it a background document entitled “Review of capacity-building in and technical assistance on competition law and policy” (TD/B/C.I/CPLP/3). The Intergovernmental Group of Experts is expected to identify practical ways to feed the outcomes of the discussions on the above round-table topics into capacity-building activities for interested competition agencies in developing countries and countries with economies in transition.

### **Item 4**

#### **Provisional agenda for the sixteenth session of the Intergovernmental Group of Experts on Competition Law and Policy**

11. Acting in its capacity as preparatory body for the sixteenth session, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for the next session of the meeting.

12. It should be noted that the Seventh United Nations Conference to Review the Set in the paragraph 19 of its resolution (see TD/RBP/CONF.8/11, chapter I), decided that future sessions of the Intergovernmental Group of Experts should include at least four clusters of issues for informal consultations among participants on competition law and policy issues with special focus on practical cases. The clusters should cover:

- (a) Competition and inclusive and sustainable development;
- (b) Best practices in the design and enforcement of competition law and policy and its interaction with consumer protection;
- (c) Provision of capacity-building and technical assistance;

(d) International cooperation and networking.

13. The Seventh United Nations Conference to Review the Set also decided in paragraph 21, during future consultations in meetings of the Intergovernmental Group of Experts, to clarify the scope or application of competition laws and policies, with a view to improving mutual understanding of substantive principles and procedures of competition law and policy. In this context, Governments may wish to discuss:

(a) How competition laws and policy should apply to State activities such as regulation of State enterprises, State monopolies, natural monopolies and enterprises with exclusive rights granted by the State;

(b) The contribution of competition policies in reducing all forms of poverty in the context of the post-2015 development agenda.

### **Item 5**

#### **Adoption of the report of the Intergovernmental Group of Experts on Competition Law and Policy**

14. The Intergovernmental Group of Experts will adopt its report to the Trade and Development Commission.

<p>Experts are requested to submit papers to the UNCTAD secretariat as soon as possible. For further information, please contact Ms. Ebru Gokce, Competition Law and Policy Branch, Division on International Trade in Goods and Services, and Commodities, UNCTAD (e-mail: <a href="mailto:ebru.gokce@unctad.org">ebru.gokce@unctad.org</a>).</p>
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## **Provisional agenda and annotations**

### **Corrigendum**

#### **Paragraph 10**

The third sentence *should read*

The Intergovernmental Group of Experts will also have before it a background document entitled “Review of capacity-building in and technical assistance on competition and consumer policies” (TD/B/C.I/CPLP/3).

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