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Trade and Development Board
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Intergovernmental Group of Experts on Competition Law and Policy
Eighteenth session
Geneva, 10–12 July 2019
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. Work programme, including capacity-building in and technical assistance on competition law and policy:
 - (a) Studies related to the provisions of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:
 - (i) Competition issues in the digital economy;
 - (ii) Competition issues in the health sector, specifically looking into pharmaceuticals and health-care services;
 - (iii) International cooperation of competition authorities in the fight against cross-border anticompetitive practices and mergers;
 - (b) Voluntary peer review of competition law and policy;
 - (c) Report of work on capacity-building in and technical assistance on competition law and policy;
 - (d) Review of chapters IX and X of the Model Law on Competition;
 - (e) Report of the work undertaken by the discussion group on international cooperation.
4. Provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.
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.

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 opening plenary meeting of the eighteenth session of the Intergovernmental Group of Experts, which will start at 3 p.m. on Wednesday, 10 July 2019, be devoted to procedural matters (items 1 and 2 of the provisional agenda) and introductory statements. The closing plenary meeting, on Friday, 12 July 2019, will be devoted to the adoption of the report and the provisional agenda of the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices to be held in July 2020 (items 4 and 5 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 the conclusion of the session.

4. The remaining meetings, from 10 July (after the election of officers and general statements) to the morning of 12 July, can then be devoted to substantive items 3 (a) to 3 (e) of the provisional agenda (see annex). If necessary, the adoption of the report may be postponed until the late afternoon of 12 July in order to allow for an informal working session to be held that afternoon.

Documentation

TD/B/C.I/CLP/53

Provisional agenda and annotations

Item 3

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

5. The Intergovernmental Group of Experts will consider the UNCTAD secretariat report entitled “Review of capacity-building in and technical assistance on competition and consumer protection law and policy” (TD/B/C.I/CPLP/19) and will hear a presentation by the secretariat on the main activities implemented and on projects currently under way, as well as contributions from representatives of beneficiary countries and donor agencies. The Intergovernmental Group of Experts is expected to give guidance to the secretariat on further capacity-building work to be undertaken on competition law and policy. In accordance with paragraphs 10 and 11 of the agreed conclusions adopted at its seventeenth session (TD/B/C.I/CLP/52), the Intergovernmental Group of Experts will consider the following issues at this session: competition issues in the digital economy; and competition issues in the health sector, specifically looking into pharmaceuticals and health-care services. To facilitate a round-table discussion on the first topic, the secretariat has prepared a background document entitled “Competition issues in the digital economy” (TD/B/C.I/CLP/54).

6. 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 decided that UNCTAD should undertake further voluntary peer reviews of competition law and policy in member States or regional groupings

(TD/RBP/CONF.8/11, paragraph 7). In accordance with paragraph 3 of the agreed conclusions adopted at its seventeenth session, the Intergovernmental Group of Experts will hear legal assessments of the competition law of Belarus and the regional competition law of the Eurasian Economic Commission.

7. In accordance with paragraph 15 of the agreed conclusions adopted by the Intergovernmental Group of Experts on Competition Law and Policy at its seventeenth session, the UNCTAD secretariat will present the revised and updated commentaries on chapters IX and X of the Model Law on Competition on the basis of submissions received from member States (TD/B/C.I/CLP/L.11 and TD/B/C.I/CLP/L.12).

8. Experts are invited to make oral presentations supported by short written papers on the subjects referred to above. The papers will be made available online and in the meeting room during the consultations. Should member States wish to hold consultations on other subjects, they are invited to inform the UNCTAD secretariat of the subject by no later than 16 May 2019, to enable all participants to prepare for the consultations.

Documentation

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|-------------------|---|
| TD/B/C.I/CPLP/19 | Review of capacity-building in and technical assistance on competition and consumer protection law and policy |
| TD/B/C.I/CLP/54 | Competition issues in the digital economy |
| TD/B/C.I/CLP/L.11 | Model Law on Competition (2019), revised chapter IX |
| TD/B/C.I/CLP/L.12 | Model Law on Competition (2019), revised chapter X |

Item 4

Provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

9. Acting in its capacity as preparatory body for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, the Intergovernmental Group of Experts is expected to agree on the provisional agenda for the Eighth Conference.

10. 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 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, with a special focus on practical cases (TD/RBP/CONF.8/11, paragraph 19), namely:

- (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.

11. The Conference also invited Governments, during future consultations at 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 (TD/RBP/CONF.8/11, paragraph 21).

12. In this context, member States may wish to agree on the issues for discussion during the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

Item 5

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

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

Experts are requested to advise of their intention to submit papers and contributions to the UNCTAD secretariat as soon as possible before Friday, 17 May 2019. Written papers and contributions must be submitted to the UNCTAD secretariat by Friday, 31 May 2019.

For further information, please contact Ebru Gökçe Dessemond, Legal Officer, Competition and Consumer Policies Branch, Division on International Trade and Commodities, UNCTAD (email: ebru.gokce@un.org).

Annex

Intergovernmental Group of Experts on Competition Law and Policy, eighteenth session, 10–12 July 2019: Provisional programme

| | <i>Wednesday, 10 July 2019</i> | <i>Thursday, 11 July 2019</i> | <i>Friday 12 July 2019</i> |
|--|--|---|---|
| <i>Palais des Nations, building E, room XVII</i> | | | |
| 10–11 a.m. | | Round table Competition issues in the digital economy | Discussion Competition issues in the health sector |
| 11 a.m.– 1 p.m. | | | |
| 3–3.30 p.m. | Opening plenary Keynote speech: Competition law and policy in the digital age | Round table (continued) Competition issues in the digital economy | Review of chapters IX and X of the Model Law on Competition |
| 3.30–6 p.m. | International cooperation of competition authorities in the fight against cross-border anticompetitive practices and mergers Report of the work undertaken by the discussion group on international cooperation | Legal assessments of competition law of Belarus and of regional competition law of Eurasian Economic Community Review of capacity- building in and technical assistance on competition law and policy | Closing plenary Agreed conclusions Provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices Adoption of the report of the session |