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**Review of capacity-building in and technical
assistance on consumer protection law and policy**

**Trade and Development Board
Trade and Development Commission
Intergovernmental Group of Experts on
Competition Law and Policy**
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Item 9 of the provisional agenda
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assistance on competition law and policy**

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

Summary

UNCTAD provides capacity-building in and technical assistance on competition and consumer protection laws and policies for developing countries, in accordance with requests received and available resources. These activities include national and regional projects related to drafting competition and consumer protection laws and implementing guidelines, as well as strengthening institutional capacities and advocacy for the creation of a competition culture and the promotion of consumer welfare.

The present note provides information on the capacity-building and technical assistance activities of UNCTAD with regard to competition and consumer protection laws and policies in 2023–2024.



I. Introduction

1. UNCTAD is the focal point for competition and consumer protection laws and policies within the United Nations system. UNCTAD aims to assist developing countries in accessing the benefits of a globalized economy more fairly and effectively and dealing with the potential impacts of greater economic integration and, in this regard, provides research and analysis, facilitates consensus-building and offers technical cooperation. UNCTAD provides technical assistance aimed at strengthening the legal and regulatory frameworks for competition and consumer protection in developing countries and enhancing the capacities of institutions, to support developing countries in better engaging in international trade in a sustainable and equitable manner.

2. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, adopted by the General Assembly in resolution 35/63 of 5 December 1980,¹ states that collaboration at the international level should include “implementation within or facilitation by UNCTAD, and other relevant organizations of the United Nations system in conjunction with UNCTAD, of technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries”.² The Set plays an important role in encouraging the adoption and strengthening of laws and policies in this area at both the national and regional levels. The General Assembly, in resolution 52/182 of December 1997, noted that the Trade and Development Board had recommended changing the name of the Intergovernmental Group of Experts established as the institutional machinery of the Set to the Intergovernmental Group of Experts on Competition Law and Policy.³

3. The revised United Nations guidelines for consumer protection adopted by the General Assembly in resolution 70/186 of 22 December 2015 include a chapter on international cooperation that states that Member States “should cooperate to promote and facilitate capacity-building in the area of sustainable consumption” and a chapter on the establishment of the Intergovernmental Group of Experts on Consumer Protection Law and Policy under UNCTAD, among other things, to “provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies”.⁴

4. 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, held in October 2020, in its resolution A underlined “the essential role of UNCTAD in providing technical assistance and capacity-building in the fields of competition and consumer protection through cooperation with beneficiary countries and by employing a multi-stakeholder approach to foster a culture of competition and consumer protection and raise awareness among consumers and businesses”; and requested that UNCTAD, under its technical cooperation pillar “conduct follow-up and an impact assessment of technical cooperation activities to improve and better adjust them to beneficiaries’ needs and priorities” and “further explore and develop joint and complementary work with other international and regional organizations for more effective and stronger assistance to developing countries and transition economies”.⁵

5. The Bridgetown Covenant, adopted by member States at the fifteenth session of the United Nations Conference on Trade and Development, renewed UNCTAD mandates in the fields of competition and consumer protection, including technical cooperation.⁶

¹ The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices is contained in the annex of document A/C.2/35/6.

² A/C.2/35/6, annex, section F, paragraph 6.

³ A/RES/52/182.

⁴ A/RES/70/186.

⁵ TD/RBP/CONF.9/9, chapter I.

⁶ TD/541/Add.2.

6. The draft UNCTAD programme plan and performance information for the year 2025, part A of the proposed programme budget, states that the objective to which subprogramme 3 on international trade and commodities contributes is “to ensure that international trade and commodities enable the economic diversification, sustainable and resilient economy and multilateralism transformations needed to create a more inclusive, resilient, sustainable and prosperous world through the participation of all member States”, including the following actions: “support the adoption of, improvement in and enforcement of national and regional competition and consumer protection legislation, through best practices, guidelines and peer reviews”, helping member States use these policies to better achieve inclusive development and make progress towards achieving the Sustainable Development Goals; and this work is expected to result in “member States’ increased adoption, revision and/or effective implementation of competition and consumer protection legislation and institutional frameworks”.⁷

7. In addition, at its sixty-ninth session, the Trade and Development Board approved the technical cooperation strategy, which states that technical cooperation will continue to assist developing countries, to be demand-driven and to be adapted to new opportunities and challenges, such as the ones resulting from the pandemic, in the fields of trade and development and interrelated issues, in alignment with the transformations highlighted in the Bridgetown Covenant. The strategy has a focus on capacity development with a results-oriented approach, to maximize the impact of activities. This involves close collaboration with beneficiaries and funding partners, aligning with national development efforts. Efforts will be coordinated with United Nations resident coordinators and other agencies, which is integral to ensuring programme sustainability and inclusivity. In addition, the strategy will target long-term development needs, including human and institutional capacity, and environmental, debt-related and digital challenges. Finally, with a view to increasing the effectiveness and enhancing the impact of technical cooperation activities, a well sequenced approach will be adopted in the formulation and implementation of programmes and activities, reflected in logical frameworks. Particular attention will be given to the goal of sustainability, recovery and inclusivity of projects and programmes.⁸

8. The Intergovernmental Group of Experts on Competition Law and Policy, at its twenty-first session, requested the UNCTAD secretariat to prepare, for the consideration of the Intergovernmental Group of Experts at its twenty-second session, an updated review of capacity-building in and technical assistance on competition law and policy, including an impact assessment, based on information received from member States.⁹ The Intergovernmental Group of Experts on Consumer Protection Law and Policy, at its seventh session, requested the UNCTAD secretariat to prepare, for the consideration of the Intergovernmental Group of Experts at its eighth session, an updated review of capacity-building in and technical assistance on consumer protection law and policy, including an impact assessment.¹⁰

9. The present note provides information on the capacity-building and technical assistance activities of UNCTAD with regard to competition and consumer protection laws and policies in 2023–2024.

II. Review of activities implemented in 2023–2024

10. The range of UNCTAD technical cooperation services is detailed in *UNCTAD Toolbox: Delivering Results*,¹¹ such as assisting in the adoption and implementation of policies, regulations and institutional frameworks for responding to national needs and priorities in order to achieve the goals of the 2030 Agenda for Sustainable Development.

⁷ See <https://unctad.org/meeting/working-party-programme-plan-and-programme-performance-eighty-seventh-session>.

⁸ TD/B/69/4/Add.1.

⁹ TD/B/C.I/CLP/72, chapter I, paragraph 16.

¹⁰ TD/B/C.I/CPLP/37, chapter I, paragraph 15.

¹¹ UNCTAD, 2020, *UNCTAD Toolbox: Delivering Results* (United Nations publication, Sales No. E.20.II.D.5, Geneva).

UNCTAD contributes to the strengthening of competition and consumer protection regimes in developing countries as part of the following actions:

- (a) Developing and improving policy, legislative and institutional frameworks;
- (b) Drafting competition and consumer protection legislation adapted to addressing current challenges and harmonized with regional frameworks;
- (c) Setting up institutional frameworks for effective law enforcement and efficient functioning; building human capacities through training programmes aimed at competition and consumer authorities, Governments and officials of sectoral regulators, representatives of business and consumer organizations and the judiciary;
- (d) Drafting curricula for universities, to deliver courses on competition and consumer protection;
- (e) Establishing links between agencies through study visits from experts from both developed and developing countries.

11. UNCTAD voluntary peer reviews of competition and consumer protection laws and policies allow developing countries to benchmark legislative frameworks against international best practices and provide an opportunity for peer reviewed countries to self-evaluate enforcement performance, with UNCTAD technical assistance provided as a follow-up to the implementation of recommendations deriving from the peer reviews.¹²

12. In 2023, the Competition and Consumer Policies Branch of UNCTAD received 11 formal requests for technical cooperation on competition and consumer protection issues,¹³ and organized or co-organized 29 public events and participated in over 50 events related to competition and consumer protection organized by member States, international and regional organizations and other stakeholders. UNCTAD supported member States through advisory services, technical assistance and capacity-building activities implemented in 2023, disseminating international experiences and best practices and providing theoretical and practical backgrounds for policy measures and legislative and regulatory frameworks. The UNCTAD multi-stakeholder approach in these policy areas and the combination of national and regional-level activities contributed to positive outcomes in both fields. In addition, established partnerships with national, regional and international organizations and institutions, combining knowledge and the provision of technical and financial support, allowed UNCTAD to effectively carry out activities that led to tangible outcomes.

A. Activities in the field of competition

1. National level

13. In August 2023, UNCTAD launched a technical assistance project aimed at strengthening competition and consumer protection policies in the Democratic Republic of the Congo and developing and consolidating institutional and regulatory frameworks, to promote competition and consumer protection in the country. UNCTAD conducted a fact-finding mission on the current state of competition legislation and sectoral regulations influencing market dynamics. Recommendations were formulated to guide actions aimed at instituting an effective institutional and regulatory framework for competition. The mission assessed existing consumer protection legislation, recommending the establishment of appropriate institutional and regulatory frameworks in accordance with the United Nations guidelines for consumer protection. UNCTAD mapped strategic sectors for a competitive economy in the country and developed a three-year programme tailored to enhancing

¹² See <https://unctad.org/topic/competition-and-consumer-protection/voluntary-peer-review-of-competition-law-and-policy> and <https://unctad.org/topic/competition-and-consumer-protection/voluntary-peer-review-of-consumer-protection-law-and-policy>.

¹³ Requests were received from the following: Algeria; Cameroon; Cabo Verde; Egypt; Guinea-Bissau; Honduras; Madagascar; Tunisia; Cook Islands; Common Market for Eastern and Southern Africa; and Pacific Alliance.

technical and institutional capacities for the implementation of robust competition and consumer protection policies, which was presented to the Government of the Democratic Republic of the Congo during a two-day workshop in Kinshasa in February 2024.¹⁴

14. In Bhutan, the recently renamed Competition and Consumer Affairs Authority is responsible for the implementation of competition and consumer protection frameworks and requested UNCTAD assistance with training for its 12 officers, of which 50 per cent are women. In August and September 2023, UNCTAD conducted three workshops to assist with the approval of a draft competition bill, which would be the first national competition law, on the following topics: key considerations in the drafting of competition law, institutional design and agency effectiveness and advocacy; the relationship between competition policy and sectoral regulations, regional and international cooperation between competition authorities and the interaction between competition and consumer protection; and techniques for the detection of competition law infringements, investigation techniques and the digital economy as an emerging issue in competition law and policy.¹⁵

15. In Latin America, following the conclusion of the Competition and Consumer Protection Policies for Latin America programme, new UNCTAD activities in the region have been self-funded by beneficiary countries, which demonstrates interest in UNCTAD cooperation. In October 2023, the competition authority of the Dominican Republic and UNCTAD co-hosted a competition week event, including international round tables and a judiciary training course for over 50 judges that addressed multiple issues on the application of competition law by the judiciary, such as economic analysis, the scope of judicial review, the definition of the relevant market and sanctions.¹⁶

16. In October 2023, following the voluntary peer review of competition law and policy in Paraguay, UNCTAD and the competition authority hosted one week of events in Asunción, including the dissemination of the main findings of the review on national competition day.¹⁷ UNCTAD conducted high-level meetings with executive, legislative and judicial officials on the recommendations on competition law reforms and also presented recommendations to business organizations and in the media, to amplify outreach and raise awareness among citizens. In 2023, Paraguay reached a significant milestone in the competition culture, namely, the tenth anniversary of the adoption of the law, a process throughout which UNCTAD played a key role.

17. Under the 2019 memorandum of understanding between UNCTAD and the European University Institute and thanks to counterparts at the Florence Competition Programme, since 2021, UNCTAD has contributed to enhancing the capacities of experts in the competition authorities of developing countries by facilitating free-of-charge access to annual training courses organized by the Institute. In 2023, UNCTAD nominated three participants to the Florence Competition Autumn School and three other participants to a course on merger control in digital markets.

2. Regional and international levels

18. UNCTAD continued to work with Portuguese-speaking developing countries (Angola, Cabo Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe and Timor-Leste) under a technical cooperation project that has been funded by the Government of Portugal since 2019.¹⁸ The project builds on competition and consumer protection policies as instruments to bring together these countries to build on commonalities, to promote regional cooperation, with support from the competition authorities of Brazil and Portugal.

¹⁴ See <https://unctad.org/Topic/Competition-and-Consumer-Protection/project-in-the-democratic-republic-of-the-congo>.

¹⁵ See <https://unctad.org/meeting/third-workshop-competition-and-consumer-affairs-authority-bhutan>.

¹⁶ See <https://unctad.org/meeting/competition-week-dominican-republic-and-annual-meeting-competition-and-trade-working-group>.

¹⁷ See <https://unctad.org/meeting/dissemination-peer-review-competition-law-and-policy-recommendations>.

¹⁸ See <https://unctad.org/project/technical-assistance-and-capacity-building-competition-and-consumer-protection-african>.

19. In April 2023, UNCTAD held a webinar on competition law and policy, covering issues such as market studies as a tool to detect infringements of competition law and cartels, including international cartels and collusion in public tenders, investigation methods and leniency regimes; speakers included representatives from the Competition Commission of the Common Market for Eastern and Southern Africa and the secretariat of the West African Economic and Monetary Union, emphasizing the regional dimension and the South–South cooperation elements integral to the technical cooperation project, and there were around 60 participants, of which 20 per cent were women.¹⁹ Seven representatives from the competition authorities of the beneficiaries, of which two were women, participated in the twenty-first session of the Intergovernmental Group of Experts on Competition Law and Policy, and a meeting was organized, including delegates from Brazil and Portugal, to discuss competition and consumer protection priorities and challenges, focused on the status of competition law and policy in Angola, Cabo Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe and highlighting varying stages of development and shared challenges, such as with regard to capacity-building and financial independence. In October 2023, UNCTAD held a webinar on the judicial review of competition authority decisions, economic analysis in enforcing competition law and current issues in merger control, with a lecture on judicial review in sanction proceedings and two sessions at which experts from Brazil and Portugal discussed economic analysis and challenges in merger control; there were over 60 participants, of which 20 per cent were women.²⁰

20. In November 2023, on the margins of the sixth Lisbon Conference on Competition Law and Economics and the ninth meeting of the Lusophone Competition Network, UNCTAD organized a meeting for eight representatives from the beneficiary countries, providing a platform for the exchange of experiences from more advanced competition authorities, including a presentation on competition law and policy challenges in times of crisis, on strategies for young competition authorities and on future project activities. The technical cooperation project has raised awareness among the representatives of these authorities with regard to the experiences of other developing and developed countries. Under the project, UNCTAD supported the establishment of the competition authority of Cabo Verde in 2022, and ongoing assistance comprises advisory services on mergers in the telecommunications sector and guidance on the imposition of sanctions for competition law infringements and on internal regulations on the financing of the competition authority. UNCTAD is working with Timor-Leste on drafting a legal framework for competition and continues to support the implementation and dissemination of the law, in line with the process of accession to the World Trade Organization.

21. Since 2019, UNCTAD has provided advisory services to the secretariat of the African Continental Free Trade Area and its member States on the drafting of and negotiations on a competition protocol, as well as technical assistance to strengthen the capacities of the secretariat in view of the implementation of the protocol. The Protocol on Competition Policy was adopted by the Assembly of Heads of State and Government in February 2023, prior to ratification and adoption by States Parties. The secretariat of the African Continental Free Trade Area, in collaboration with the regional economic communities, is organizing training activities and awareness-raising workshops in four regions.²¹ Under a memorandum of understanding between UNCTAD and the secretariat, two capacity-building events were held in 2023, as follows: workshop held in Libreville, addressing the Economic Community of Central African States, jointly organized with the European Union, which trained 55 participants, of which 45 per cent were women (August); and workshop held in Nairobi, addressing the Common Market for Eastern and Southern

¹⁹ See <https://unctad.org/meeting/webinar-competition-law-and-policy-portuguese-speaking-countriesseminario-sobre-direito-e>.

²⁰ See <https://unctad.org/meeting/webinar-competition-law-and-policy-portuguese-speaking-countriesseminario-sobre-direito-da>.

²¹ Common Market for Eastern and Southern Africa; Economic Community of Central African States; Southern African Development Community; Economic Community of West African States.

Africa, which trained 55 participants, of which 50 per cent were women (November).²² Participants gained insights into the Protocol on Competition Policy and its implications; the complexities of the merger and acquisitions landscape in the framework of national enforcement regimes, with cross-border merger analysis emphasized at the regional and continental levels; key fundamentals related to the abuse of market power, with cases in selected national, regional and international competition enforcement regimes highlighted; economic analysis in competition law enforcement, particularly in the context of merger analysis and abuse of dominance cases; and considerations for drafting, designing and developing enabling regulations, to establish thresholds for mergers and acquisitions and abuse of dominance at the continental level. The workshops received appreciation from participants during a feedback session and through written forms.²³

22. Since 2019, UNCTAD has cooperated with the Economic and Social Commission for Western Asia and the Organisation for Economic Co-operation and Development on promoting and strengthening competition policies in Arab countries and jointly organizing training sessions and events, such as the annual Arab Competition Forum, which seeks to advance advocacy for best practices in competition law and policy across the region and serves as a platform for building a regional network that can help enhance cooperation and improve governance in the region, for the achievement of the Sustainable Development Goals. The fourth Arab Competition Forum was organized in collaboration with the General Authority for Competition of Saudi Arabia, in May 2023; discussions focused on the effectiveness of competition authorities in developing countries and the least developed countries, abuse of dominance in digital markets and cross-border merger control, as well as best practices in planning and conducting market studies, with 122 participants and an additional 664 participants online.²⁴

23. In November 2023, the eleventh annual meeting of the Working Group on Trade and Competition of Latin America and the Caribbean took place in Santo Domingo, attended by over 60 participants from 15 countries, five international organizations and four academic institutions, with discussions centred on the financial technology sector.²⁵ The Working Group is the only forum that convenes government officials responsible for trade and competition in Latin America and the Caribbean, providing a platform to collectively address global challenges in both areas.²⁶ Regulatory policies in competition and trade play critical roles in fostering the development and effective functioning of financial markets, particularly in the domain of financial technologies in the region. UNCTAD presented the main findings of *Competition Compliance Programmes: The Experience of Latin America*, to contribute to improving the compliance programmes of competition authorities and to facilitate convergence and cooperation between national competition authorities and courts and the increase of awareness by companies, which can help improve the predictability and legal certainty of business environments in a region with significant cross-border trade and investment and where market integration is important.²⁷ The twelfth annual meeting will encompass a forum for private companies and will take place in Honduras.

²² See <https://unctad.org/meeting/regional-workshop-competition-policy-and-law-african-continental-free-trade-area-afcfta> and <https://unctad.org/meeting/african-continental-free-trade-area-afcfta-regional-workshop-competition-policy-and-law>.

²³ Of participants, 85 per cent found the workshops valuable in preparing for negotiations on protocol regulations, 95 per cent found the workshops relevant to their jobs and 90 per cent reported gaining a better understanding of mergers and abuse of dominance through case study discussions.

²⁴ See <https://unctad.org/meeting/fourth-joint-un-escwa-unctad-oecd-competition-forum-arab-region>.

²⁵ See <https://unctad.org/meeting/competition-week-dominican-republic-and-annual-meeting-competition-and-trade-working-group>.

²⁶ In 2009 and 2010, collaborative efforts between UNCTAD and the Latin American Economic System led to regional seminars on trade and competition that convened authorities in both fields, along with officials from UNCTAD and the Latin American Economic System and representatives from organizations such as the World Trade Organization; following the meeting in 2010, UNCTAD and the Latin American Economic System jointly established the Working Group on Trade and Competition of Latin America and the Caribbean.

²⁷ See <https://unctad.org/publication/competition-compliance-programs-experience-latin-america>.

24. Under the “Global initiative towards post-pandemic resurgence of microenterprises and small and medium-sized enterprises” project, UNCTAD designed and conducted a five-module, self-paced online course on the interface between competition policy and the development of microenterprises and small and medium-sized enterprises and, following the successful completion of the course in February 2023,²⁸ in December 2023, UNCTAD relaunched the course; 228 participants are scheduled to attend the course in February–March 2024, with a graduation ceremony to be held in the second quarter of 2024. Such broad interest demonstrates the appreciation of member States for this type of product and underscores the impact of UNCTAD initiatives in this field.

25. Proactive collaborations with regional and international organizations in delivering technical assistance activities contribute to maximizing the impact of the services delivered, building on complementarities between institutions, in line with the technical cooperation strategy, which states that “UNCTAD will seek to strengthen cooperation and increase joint activities with other agencies providers of trade and investment technical assistance”.

3. UNCTAD participation

26. UNCTAD has played a role in addressing key topics and current challenges in competition law and policy in technical cooperation events organized for developing country experts by national competition authorities, regional competition bodies, other international organizations, universities and other stakeholders. In 2023, such events focused on critical areas such as the role of competition authorities beyond antitrust, digital market-related challenges and the impact of the digital transformation on competition regulation, international cooperation for the enhanced enforcement of competition law, strategies for addressing anticompetitive practices by large transnational corporations and operational subjects such as market studies and bid rigging. UNCTAD participation in such events underscores the objective of assisting developing countries in facing the evolving landscape of competition law and fostering international cooperation.

27. In 2023, UNCTAD participated in, among others, the following events: Competition Council of Morocco annual meeting with the media (February); Competition Authority of Hungary and Organisation for Economic Co-operation and Development Regional Centre for Competition seminar on competition policy and intellectual property rights (March); Eurasian Economic Forum (May); Government of Uruguay and World Bank joint event on strengthening the role of market institutions for the promotion of competition in the markets of Uruguay (June); World Trade Organization workshop on competition policy, trade and development, session on leveraging competition policy for development (July); second summit of the Russian Federation and Africa Economic and Humanitarian Forum (July); Consumer Unity and Trust Society Institute for Regulation and Competition eighth biennial conference on competition, regulation and development (October); BRICS [Brazil, India, China, Russian Federation and South Africa] eighth international competition conference (October); Competition Authority of Kenya tenth annual capacity-building workshop and symposium on competition law and policy (October); African Competition Forum biennial conference hosted by the Competition and Consumer Protection Commission of the Gambia and the Regional Competition Authority of the Economic Community of West African States (October); Central American Competition Forum hosted by the Central American Network of National Authorities in Charge of Competition Issues (November); Competition Commission of Albania twentieth anniversary of the competition law event (November); and National Competition Agency of Georgia second international conference on competition and consumer rights (November). Through participation in diverse events, UNCTAD reinforces its role as a focal point for competition-related matters, while meeting the needs of member States in this field.

²⁸ TD/B/CI/CPLP/36–TD/B/CI/CLP/71. See <https://unctad.org/meeting/graduation-ceremony-online-course-interface-between-competition-policy-and-msme-development>.

B. Activities in the field of consumer protection

1. National level

28. In March 2023, as a follow-up to the voluntary peer review of consumer protection law and policy in Peru, UNCTAD and the National Institute for the Defence of Competition and Protection of Intellectual Property hosted a public event in Lima to share the findings and recommendations and to increase the awareness of the National Consumer Protection Council with regard to the impacts the recommended actions can have on improving consumer policies and welfare.²⁹ The goal of the voluntary peer review was to support policy and institutional reform and to strengthen consumer protection in the country.

29. In April 2023, in Thailand, UNCTAD participated in national consumer day events organized by the Office of the Consumer Protection Board, to share the findings and recommendations of the voluntary peer review on consumer protection law and policy of Thailand, including a workshop on cross-border consumer dispute resolution aimed at comparing different resolution systems, understanding strengths and challenges and highlighting good practices, to extract lessons learned; there were over 80 participants, of which 60 per cent were women.³⁰ Since 2021, UNCTAD technical assistance to Thailand has led to the update of the online national consumer dispute resolution system, to align with the commitment of the Association of Southeast Asian Nations (ASEAN) to adopt online consumer dispute resolution systems in the 10 member States by 2025, as outlined in the guideline on online dispute resolution.³¹

30. In May 2023, UNCTAD and the Secretariat of Defence of the Consumer and User of Paraguay organized a webinar on the United Nations guidelines for consumer protection and emerging challenges for modern consumers, with over 130 participants, of which over 68 per cent were women, and 82 per cent of attendees identifying themselves as consumers and 18 per cent as suppliers.³²

2. Regional and international levels

31. In 2023, building on the achievements of the technical cooperation project in Portuguese-speaking developing countries, UNCTAD conducted two webinars, on the following topics: the United Nations guidelines for consumer protection and their implementation, the establishment and evolution of consumer law and policy, regional collaboration and other subjects such as electronic commerce (e-commerce), consumer product safety and sustainable consumption (April; around 50 participants, of which 30 per cent were women); and the interplay between competition and consumer protection laws and policies, as well as national cooperation and enforcement (October; around 60 participants, of which 30 per cent were women). Among Portuguese-speaking developing countries in Africa, most are still considering consumer protection frameworks and focusing efforts on raising awareness about the implications for economic development.³³

32. Since 2020, UNCTAD has been implementing a project titled “Delivering digital trading infrastructure and online dispute resolution for consumers as means to improve international trade and e-commerce”. UNCTAD has provided insights into how emerging technologies can enhance online dispute resolution processes, better safeguard consumer rights and ensure that consumer protection agencies can adapt and thrive in the ever-

²⁹ See <https://unctad.org/meeting/dissemination-unctads-voluntary-peer-review-consumer-protection-law-and-policy-peru>.

³⁰ See <https://unctad.org/meeting/dissemination-unctads-voluntary-peer-review-consumer-protection-law-and-policy-thailand> and <https://unctad.org/meeting/workshop-cross-border-consumer-dispute-resolution>.

³¹ See <https://asean.org/book/asean-guidelines-on-online-dispute-resolution-odr/>.

³² See <https://unctad.org/meeting/online-training-united-nations-guidelines-consumer-protection>.

³³ See <https://unctad.org/meeting/webinar-consumer-protection-policy-portuguese-speaking-countriesseminario-sobre-politica-0> and <https://unctad.org/meeting/webinar-consumer-protection-policy-portuguese-speaking-countriesseminario-sobre-politica-1>.

evolving digital landscape.³⁴ The project implemented activities in 2021–2023 in two countries, namely, Indonesia and Thailand. Beneficiaries have improved existing consumer dispute resolution workflows, tailored to their mandates and capabilities for handling and resolving complaints. UNCTAD work on online dispute resolution is of importance not only for consumers, to strengthen confidence in e-commerce, but also in the development of fairer and more reliable digital markets. In the age of rapid technological advancements, online dispute resolution platforms have become increasingly critical in addressing disputes effectively and efficiently. Based on the experience of this project, in September 2023, UNCTAD participated in a conference organized by the Department of Consumer Affairs of India on pioneering an online dispute resolution platform for seamless cross-border dispute resolution in e-commerce and at an event on online dispute resolution organized by the Institute for Regulation and Competition, Consumer Unity and Trust Society.

33. As part of collaboration with Latin American countries on consumer protection, UNCTAD hosts the annual International Forum for Consumer Protection of the Competition and Consumer Protection Policies for Latin America programme. Discussions at the thirteenth edition, jointly organized with the consumer protection agency of the Dominican Republic, centred on cross-border dispute resolution for consumers, the role of agencies in enhancing consumer associations and the future of regional cooperation in Latin America (November 2023; over 350 participants).³⁵ The forum was organized back-to-back with the Iberoamerican Forum of Consumer Protection Agencies. Over the past decade, the public and open International Forum for Consumer Protection has served as a platform for preliminary discussions leading up to and setting the stage for proposals to be further defined by the Iberoamerican Forum.

34. The United Nations guidelines for consumer protection state that the potential positive role of universities and public and private enterprises in research should be considered when developing consumer protection policies. Building on the success of previous editions, UNCTAD co-organised with the European Commission a fourth workshop, titled “Unlocking the full potential of research in product safety”, at which a panel of academics, mostly women, showcased examples of effective collaboration and synergies between research and product safety practitioners and discussed existing product safety research and training programmes, identified priority issues that researchers should focus on and explored synergies between academia and the product safety community (December 2023; 150 participants).³⁶

35. Consumer associations play an essential role in making the voice of consumers heard in public policy decision-making, improving consumer information and education, defending consumer rights and monitoring markets. In 2023, in an effort to support consumer associations, UNCTAD organized several events in collaboration with partners such as Consumers International and Consumer Unity and Trust Society International. Under the Group of 20 presidency of India, UNCTAD and Consumer Unity and Trust Society International conducted a webinar on reiterating the need to promote fair trade practices and help create a more equitable and sustainable global economy for the achievement of the Sustainable Development Goals (August).³⁷ According to an UNCTAD report on consumer associations, issues related to governance, human resources, professionalization and funding are critical in strengthening consumer associations.³⁸ To address related concerns, UNCTAD held a side event at the Consumers International Global Congress on enhancing the consumer movement, at which representatives from consumer associations in Chile, Nigeria and Rwanda and a global association for African women in agribusiness explored ways in which Governments could facilitate the establishment and growth of consumer associations in a global context that continually

³⁴ See <https://unctad.org/publication/technology-and-future-online-dispute-resolution-platforms-consumer-protection-agencies>.

³⁵ See <https://unctad.org/meeting/thirteenth-compal-international-consumer-protection-forum-latin-america>.

³⁶ See <https://unctad.org/meeting/european-commission-unctad-workshop-unlocking-full-potential-research-product-safety>.

³⁷ See <https://unctad.org/meeting/cuts-global-webinar-g20-championing-consumer-movement>.

³⁸ See <https://unctad.org/publication/unctad-mena-programme-report-consumer-associations>.

poses challenges to these groups (December).³⁹ At the national level, in Chile, UNCTAD participated in a meeting of consumer associations organized by the National Association of Consumers and Users on “International and local experiences and challenges in their links with civil society and the State” (November).

36. In April 2023, UNCTAD signed a memorandum of understanding with the University of Buenos Aires, Argentina, under the UNCTAD Research Partnership Platform on Competition and Consumer Protection, aimed at conducting research and facilitating seminars and workshops on competition and consumer protection laws and policies.⁴⁰ A round table was held in September 2023 on consumer protection and gender, to exchange national and international experiences in this area between different stakeholders, including consumer protection officers, private practitioners and academics; the event was attended by around 40 participants, of which 70 per cent were women.⁴¹

37. With regard to the interplay between consumer protection and sustainability, UNCTAD and the United Nations Environment Programme are launching a project on advancing consumer information and consumer protection in alignment with multilateral environmental agreements. It is important for consumer protection agencies to comprehend the implications of major environmental accords; the project is therefore aimed at empowering consumers in transitioning to an environmentally sustainable economy and at developing guidance on the role of consumer information in addressing multilateral environmental agreements, disseminating the main findings and providing actionable recommendations to support the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, in accordance with Sustainable Development Goal 10.⁴² This inter-agency cooperation is in line with the role of UNCTAD as co-leader of the consumer information programme of the One Planet network in 2023–2024.⁴³ As part of this collaboration, UNCTAD participated in the second multi-stakeholder advisory committee meeting of the One Planet network (August) and the eco-advance conference (November).

3. UNCTAD participation

38. In 2023, UNCTAD participated in over 50 technical cooperation events, over half of which addressed critical issues in consumer protection law and policy. Participation included sessions at academic institutions, webinars, conferences and workshops, demonstrating a commitment to fostering dialogue and shaping effective policies, and covered a broad spectrum of subjects, including challenges faced by consumers and the role of technology in law enforcement and its implications for consumer protection and privacy. In addition, UNCTAD contributed to discussions on clean energy, e-commerce, cross-border dispute resolution, gender issues and product safety, reflecting a holistic approach to consumer protection. Such activities underscore the focus of UNCTAD on fostering international collaboration and addressing the evolving challenges faced by consumers. In 2023, UNCTAD participated in, among others, the following events: Consumers International event jointly organized with the Common Market for Eastern and Southern Africa on “Fair food prices in Africa: Regional and global perspectives” (February); Consumers International clean energy conference on “The consumer journey on the road to clean energy” (March); International Consumer Protection and Enforcement Network conference under the presidency of Australia (May); ASEAN-Australia-New Zealand Free Trade Area Consumer Affairs Programme workshop on consumer protection in e-commerce (June); workshop on “Emerging technology sector issues in consumer protection and privacy investigations and enforcement” hosted by the Department of Trade and Industry of the Philippines and the Federal Trade Commission of the United States of

³⁹ See <https://unctad.org/meeting/consumers-international-global-congress-unctad-side-event-enhancing-consumer-movement>.

⁴⁰ See <https://unctad.org/meeting/fourteenth-meeting-unctad-research-partnership-platform>.

⁴¹ See <https://unctad.org/meeting/roundtable-consumer-protection-and-gender-national-and-international-experiences>.

⁴² See <https://www.unep.org/explore-topics/resource-efficiency/what-we-do/one-planet-network/10yfp-10-year-framework-programmes>.

⁴³ See <https://www.oneplanetnetwork.org/programmes/consumer-information-scp>.

America (August); ninth Asian Forum on Consumer Policy (September); International Consumer Protection and Enforcement Network conference under the presidency of Poland (October); and Southern Africa workshop organized by the Trade Ministry of Namibia and the Federal Trade Commission of the United States on consumer protection and e-commerce (November). Through participation in diverse events, UNCTAD reinforces its role as a focal point for consumer protection-related matters, helping to promote and safeguard consumer interests, advocate for fair and transparent market practices and ensure the effective enforcement of consumer protection laws at the international level.

III. Voluntary peer reviews in 2023–2024

39. This chapter provides an overview of the voluntary peer reviews⁴⁴ facilitated in 2023–2024. As at January 2023, reviews of 29 jurisdictions on competition law and policy⁴⁵ and 6 jurisdictions on consumer protection law and policy had been completed.

A. Voluntary peer review of competition law and policy: Paraguay

40. The voluntary peer review of the competition law and policy of Paraguay was held during the twenty-first session of the Intergovernmental Group of Experts on Competition Law and Policy. Representatives of the Governments of Brazil, the Republic of Korea and Spain acted as peer reviewers.

41. In the peer review report, competition law issues addressed included prohibited agreements, abusive conduct, concentrations and institutional aspects related to the Board of Directors and the Directorate of Investigation, including powers and duties. Recommendations were provided with regard to amendments, including the establishment of a per se rule for hard-core cartels, the removal of consciously parallel practices from the list of prohibited agreements, explicit determination that the list of abusive conduct is indicative and not restrictive and the incorporation of a leniency programme for companies cooperating in investigations. Additional suggestions included establishing a sectoral regulator for electricity and disqualifying participants engaged in collusive conduct from public procurement processes.

42. In response to questions from the peer reviewers, the delegation of Paraguay expressed support for the introduction of a leniency programme and a per se prohibition of hard-core cartels; reviewed the outcomes of an assessment of the decisions of the National Competition Commission by the Court of Auditors; and presented the procedure that the Evaluation Board had followed to nominate members of the Board of Directors. Following queries from the head of the delegation of Paraguay, two reviewers offered to cooperate on improving technological tools for competition enforcement in public procurement.

43. UNCTAD subsequently presented a proposal for a technical assistance project to implement the peer review recommendations. The project would aim at building human and institutional capacity, to improve competition enforcement, and provide assistance with advocacy, through training and collaboration agreements with other official bodies, such as regulators, public authorities and the judiciary.

B. Voluntary peer review of consumer protection law and policy: Gabon

44. The voluntary peer review of the consumer protection law and policy of Gabon was held during the seventh session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy. Representatives of the Governments of Morocco, the United States and Viet Nam acted as peer reviewers.

⁴⁴ UNCTAD, 2020.

⁴⁵ Including two reviews of the West African Economic and Monetary Union, one tripartite review of the United Republic of Tanzania, Zambia and Zimbabwe, and one bipartite review of Fiji and Papua New Guinea.

45. In the peer review report, the legislative and regulatory framework for consumer protection was outlined, including a law drafted in 2022. The delegation of Gabon highlighted the need for a national vision for a consumer protection policy, along with cooperation with other independent and autonomous executive authorities. It was stressed that a robust consumer protection policy necessitated not only preventive measures, but also the establishment of effective enforcement and remedy mechanisms.

46. The Director General for Competition and Consumption of Gabon addressed various questions from the peer reviewers. With regard to consumer complaints, the role of the agency as a focal point for handling complaints was outlined, emphasizing collaboration with other public bodies and consumer protection associations. With regard to the role of such associations, many functions were detailed, including representing consumer interests, formulating recommendations on legislation, processing complaints and educating consumers. With regard to administrative sanctions, a list of measures was provided, such as warnings, cease and desist orders, product recalls, public notifications and the imposition of fines. With regard to regulatory changes for better international cooperation, relevant articles in the draft law and other legislation that encouraged such cooperation were noted, along with the role of UNCTAD as a facilitator in international cooperation. Peer reviewers shared national experiences, highlighting the benefits of international cooperation and how it helped countries fulfil obligations under regional or international agreements and strengthened ties between countries in a region; and exchanging insights on promoting a culture of consumer protection, coordinating overlapping mandates between consumer protection agencies and the importance of establishing cooperation agreements.

47. UNCTAD subsequently presented a proposal for a technical assistance project to implement the peer review recommendations on improving the legislative and institutional frameworks for consumer protection.

C. Upcoming voluntary peer reviews

48. Egypt volunteered for a peer review of competition law and policy in 2024, with financial support from the Common Market for Eastern and Southern Africa. The focus will be on the substantive provisions of competition law, the enforcement practices of the Competition Authority and its regional and international cooperation experience. UNCTAD has conducted fact-finding research on the legal and institutional frameworks.

49. UNCTAD is the first international organization to facilitate voluntary peer reviews of consumer protection law and policy. The impact that the reviews have had in peer reviewed countries is addressed in a note by the UNCTAD secretariat, to inform future reviews; an overview of the review process and of reviews conducted to date is provided, with a view to drawing conclusions that will help enhance the capacity of UNCTAD to provide improved assistance to the peer reviewed countries in the follow-up and implementation of the recommendations, while comprehending the challenges and constraints faced in these countries in this process.⁴⁶

IV. Future activities

50. Technical assistance is an important aspect of the work of UNCTAD in the field of competition and consumer policies and has contributed to significant results to date. The sustained number of formal requests for technical assistance and capacity-building from developing countries and the least developed countries in 2023 served to underline the expertise and relevance of the services delivered by UNCTAD. The rapid adjustments by and flexibility of the Competition and Consumer Policies Branch under this pillar of work since 2020 have allowed UNCTAD to respond to member State requests fully and quickly and to address needs and challenges in the best possible manner. In addition, hybrid events have allowed for broader attendance and for experts from around the world to participate in panel discussions. Online events played a critical role in addressing official requests from

⁴⁶ TD/B/C.I/CPLP/40.

the least developed countries in cases where funds were not available. UNCTAD found ways to assist some of the least developed countries requesting technical cooperation, although it would have been desirable to have the necessary resources in order to implement more in-depth technical assistance and follow-up activities.

51. In 2023, UNCTAD received 11 formal requests for technical cooperation on competition and consumer protection issues, representing an indicative financing need of over \$5.1 million.⁴⁷ However, given finite resources, it is an ongoing challenge to address all requests. With regard to technical assistance in the areas of competition and consumer protection, in 2023, 70 per cent of formal requests remained unaddressed due to lack of funds. There is a need for additional extrabudgetary resources to address outstanding requests, in particular from the least developed countries.

52. Among the pending official requests, mostly from developing countries in Africa, including the least developed countries, emphasis is placed on providing support for the formulation of competition and consumer protection laws and policies. Also critical is the need to foster a competitive culture and build capacity for the optimal functioning of newly established authorities tasked with implementing such laws. Despite these constraints, UNCTAD has made efforts to provide technical cooperation to developing countries, including the least developed countries, without extrabudgetary funds or in a less costly manner, by exploring digital means and activities with remote participation.

53. In line with the draft UNCTAD programme plan and performance information for the year 2025, UNCTAD will focus on supporting member States that currently lack competition and/or consumer protection laws in adopting relevant legal and institutional frameworks, including by disseminating and promoting the use of the Set of Multilaterally Agreed Equitable Principles and Rules, the only global instrument on competition law and policy, of the United Nations guidelines for consumer protection and of the UNCTAD model law on competition.

54. UNCTAD has been exploring synergies between technical cooperation and the two other pillars of its work, namely research and analysis and consensus-building. This synergy is illustrated in the voluntary peer reviews of competition and consumer protection laws and policies, which combine elements of all three pillars in assessing the features of legal and institutional frameworks, enforcement records and perceptions of the laws and policies by relevant stakeholders; and which identify major procedural, administrative and legislative changes that might be necessary for more effective law enforcement and for the optimal functioning of competition and consumer protection authorities. In addition, the peer reviews provide insights into country-specific constraints, including political and economic challenges that restrict effective enforcement of the relevant laws. The presentation and discussion of the peer review report is usually followed by the dissemination of the findings and recommendations at the national level and by technical cooperation projects led by UNCTAD, to support the implementation of recommendations. Research and analysis conducted under the framework of the UNCTAD Research Partnership Platform could be further used in technical assistance activities and provide valuable information for newer authorities.

55. Efficient markets are critical in the achievement of the 2030 Agenda for Sustainable Development. Competition and consumer protection are two disciplines that directly affect business opportunities and consumer welfare; related policies play a direct and essential role in promoting sustainable and inclusive economic growth and poverty reduction, underlining the need for complementarity in design and implementation. It is important to continue to promote synergies between the two policy areas, to create a competitive business environment that benefits both consumers and enterprises and in dealing with challenges and opportunities in the digital economy. UNCTAD will further explore how competition and consumer protection policies can contribute to sustainability, as co-leader of the consumer information programme of the One Planet network in 2023–2024.

56. UNCTAD has been increasingly engaging in joint work with the regional commissions and other United Nations entities and is further exploring, in contact with

⁴⁷ See <https://unctad.org/projects/formal-requests-for-technical-cooperation>.

United Nations resident coordinators, inter-agency collaboration, given experience in the field, to better assist developing countries. UNCTAD has also continued to partner with regional and international organizations to combine expertise and secure funding in order to support developing countries.

57. Finally, UNCTAD will continue its ongoing work assisting the regional economic organizations of developing countries in developing competition and consumer protection rules and principles and enforcing them, in collaboration with national authorities. Regional cooperation is supportive of young and small competition authorities and consumer protection agencies and, in particular, South-South cooperation. This work is expected to increase, particularly in Africa and Central America.
