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

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

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building and technical assistance in competition and consumer protection laws and policies to developing countries and countries with economies in transition, 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 for better enforcement of such laws. In addition, activities include advocacy for the creation of a competition culture and the promotion of consumer welfare. The strategy of UNCTAD in providing technical cooperation is to establish appropriate institutional and regulatory frameworks for the enforcement of competition and consumer protection at the national and regional levels, in line with the requirements of the 2030 Agenda for Sustainable Development. This review includes a reflection on the needs of member States regarding new demands that derive from the digital economy and its implications for competition and consumer policies and regulations.

The present note is a review of progress on the capacity-building and technical cooperation activities in the area of competition and consumer protection law and policy carried out by UNCTAD in 2018–2019.



I. Introduction

1. UNCTAD is the focal point for competition law and policy and consumer protection law and policy within the United Nations system. UNCTAD aims at assisting developing countries in improving their participation in the global economy, and technical cooperation is a core activity for this purpose.
2. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices¹ adopted by the General Assembly in resolution 35/63 of 5 December 1980 instructs UNCTAD and its member States to provide technical assistance and advisory and training programmes on restrictive business practices, particularly for developing countries.
3. The revised United Nations guidelines for consumer protection adopted by the General Assembly in resolution 70/186 of 22 December 2015 encompass a chapter on international cooperation,² recommending member States to cooperate, and to promote and facilitate capacity-building. Also, among the functions of the recently established Intergovernmental Group of Experts on Consumer Protection Law and Policy is to “provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies”.³
4. Furthermore, in the agreed conclusions adopted by the seventeenth session of the Intergovernmental Group of Experts on Competition Law and Policy,⁴ the UNCTAD secretariat was requested to prepare, for consideration at the eighteenth session, an updated review of capacity-building and technical assistance activities, taking into account information received from member States by 28 February 2019. In the agreed conclusions adopted by the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy,⁵ the UNCTAD secretariat was requested to present, at the fourth session, an updated review of capacity-building and technical assistance in consumer protection law and policy.
5. Accordingly, this note contains information on the capacity-building and technical cooperation activities of the UNCTAD secretariat in the fields of competition and consumer protection laws and policies in 2018–2019.
6. The review begins with the framework for the provision of capacity-building and technical cooperation in competition and consumer protection, respectively, followed by a short presentation of UNCTAD programmes according to the nature of the activity as follows:
 - (a) Legal and institutional framework: reviewing the status of laws and policies and setting up relevant institutions;
 - (b) Strengthening human resources capacities and implementing advocacy and awareness-raising activities;
 - (c) Digital tools, market studies and knowledge-management platforms;
 - (d) Strengthening partnerships: expert meetings, international and regional forums and partnerships.
7. The note concludes with a review of the need to adapt technical assistance to the new challenges brought about by the digital economy.

¹ TD/RBP/CONF.10/Rev.2, section F, paras. 6 and 7, available at <http://unctad.org/en/docs/tdrbpconf10r2.en.pdf>.

² A/RES/70/186, annex, chapter VI, paragraphs 79 to 94.

³ A/RES/70/186, annex, chapter VII, paragraph 97 (e).

⁴ TD/B/C. I/CLP/52, para. 14.

⁵ TD/B/C. I/CPLP/15, para. 14.

II. Technical assistance and capacity-building framework

A. UNCTAD mandate on competition law and policy

8. The UNCTAD mandate dates back to the adoption of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices in 1980. The Set plays an important role in encouraging the adoption and strengthening of laws and policies in this area at the national and regional levels.

9. The resolution of the Seventh United Nations Review Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices “endorses the UNCTAD secretariat’s newly adopted global strategy as a response to increased needs for technical cooperation and assistance across both public and private sectors for all developing countries, particularly among small island developing States; landlocked developing countries and other structurally weak, vulnerable and small economies; and countries in transition”. It also requests UNCTAD to “perform, in consultation with relevant organizations and technical assistance providers, a review of technical cooperation activities, to avoid duplication and encourage providers and recipients of technical cooperation to recognize the results of the substantive work of UNCTAD”, as well as to “identify priority areas and issues of competition law and policy for the implementation of technical cooperation activities, including problems for consideration and action within regional and subregional settings” and to “widen the search for potential donors and mobilize resources for long-term strategic interventions”.⁶

10. This was confirmed in the Nairobi Maafikiano,⁷ adopted at the fourteenth session of the United Nations Conference on Trade and Development in July 2016.

B. UNCTAD mandate on consumer protection

11. The General Assembly, in its resolution 70/186 of 22 December 2015, adopted the revised United Nations guidelines for consumer protection, expanding its scope to new areas, and established an intergovernmental group of experts on consumer protection law and policy within the framework of an existing commission of the Trade and Development Board of UNCTAD to serve as the international institutional machinery for the guidelines.

12. In the resolution, chapter VI (paragraphs 79 to 94) of the revised guidelines, on international cooperation, recommends that Member States should cooperate and should promote and facilitate capacity-building.

III. UNCTAD strategy

13. The global strategy on competition and consumer protection policies endorsed by the Seventh United Nations Review Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (2015) was derived from the experience acquired by UNCTAD in implementing capacity-building activities in the developing world.⁸ To ensure buy-in and commitment by beneficiary countries, all activities are planned and implemented in close cooperation with their competition and consumer protection agencies, as well as other national, regional and global networks, where appropriate. The UNCTAD strategy focuses on the following aspects and issues:

- (a) Technical assistance for competition and consumer protection policy and regulation;
- (b) An enabling environment for the private sector;

⁶ See TD/RBP/CONF.8/11.

⁷ TD/519/Add.2, paras. 69 and 76 (x).

⁸ See TD/RBP/CONF.8/7.

- (c) Competition neutrality;
- (d) Expanded regional focus;
- (e) Follow-up and impact assessment of activities.

14. Competition and consumer protection policies cut across these aspects and seek to promote stable economic conditions, strengthen competitiveness, support trade diversification, mobilize domestic and foreign investment, and improve basic infrastructure and consumer welfare. Emphasis is placed on private sector development as a tool for promoting growth and reducing poverty. Such activities are part of the overall framework of UNCTAD technical assistance, which involves the consolidation of projects and development of thematic clusters.⁹

15. The thematic cluster of competition policy and consumer protection encompasses the strengthening of institutional capacities in competition and consumer protection law and policy, the formulation and enforcement of competition and consumer protection rules, and the strengthening of national and regional competition and consumer protection policies in Africa, Asia and the Pacific, the Balkans, Latin America and the Caribbean and the Middle East and North Africa.

16. Furthermore, since the deployment of the Middle East and North Africa region technical cooperation programme, gender issues are being progressively mainstreamed into UNCTAD capacity-building in competition and consumer protection policies in the region.

17. For example, a revision of the regional competition rules of the Central African Economic and Monetary Community conducted by UNCTAD in November 2017 contains a proposal to introduce the notion of gender parity in the composition of the board of the regional competition authority to be created in this region. If the UNCTAD proposal is endorsed by the Council of Ministers of the Community, which will decide upon the adoption of these rules, it would be an innovative way to further involve women in the ruling system related to the enforcement of competition law in Africa.

18. This innovation is in line with the Sustainable Development Goals of the 2030 Agenda for Sustainable Development and is reinforced by paragraph 55 (bb) of the Nairobi Maafikiano (TD/519/Add.2), which states that UNCTAD should “reinforce its work on the links between gender equality, women’s and girls’ empowerment and trade and development, and support member States in the design and implementation of policies and the establishment of institutions that support women’s economic empowerment, economic security and rights, and enhance their economic opportunities”.

IV. Activities implemented in 2018–2019

19. In 2018–2019, UNCTAD delivered various national and regional projects in the developing world. In this chapter, each section opens with a brief description of the projects that are under way, followed by specific activities within the projects, as well as reference to other types of cooperation. Projects are presented in chronological order, beginning with the earliest.

A. Projects

Competition and Consumer Protection Policies for Latin America programme

20. From 2003 to 2018, the UNCTAD Competition and Consumer Protection Policies for Latin America (COMPAL) programme, funded by the State Secretariat for Economic Affairs of Switzerland, has built capacity and strengthened institutions in competition and consumer protection matters in 17 beneficiary countries and one regional organization in

⁹ See TD/B/WP/198/Rev.1.

Latin America.¹⁰ Its purpose was to provide beneficiary countries with the necessary tools to implement competition and consumer policies in their markets and improve consumer welfare, contributing to the inclusive and sustainable development of COMPAL members.

21. Its third phase, which began in 2015, had a focus on deepening regional cooperation and enhancing the capacities of the private sector. During this three-year phase, COMPAL implemented 100 per cent of planned activities, which covered the exchange of good practices, consensus-building and capacity-building.

22. The appreciation of the COMPAL programme by its members grew year by year and a trend towards regional convergence regarding competition and consumer protection policies became evident, as demonstrated by several bilateral cooperation agreements and memorandums of understanding among members. In addition, the beneficiaries consider that the programme has strengthened ties between countries, and they expressed satisfaction with the quality and content of the activities undertaken. Finally, the implementation of a website that serves as a platform for knowledge-sharing and information-sharing was an important asset for the work of beneficiaries. At the annual closing meeting of the programme, the representatives of competition and consumer protection agencies signed the Declaration of Santo Domingo, recognizing the programme's positive results of the programme and the intention to seek its continuation.¹¹

Middle East and North Africa technical assistance programme

23. In December 2018, UNCTAD completed the implementation of its four-year technical assistance programme for the Middle East and North Africa region, addressing Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia and the State of Palestine. The main objective of the programme was to promote regional integration through the improvement of competition and consumer protection laws and policies. The results achieved enabled the adoption and/or modernization of competition and consumer protection legal and institutional frameworks in all beneficiary countries. Notwithstanding differences in national models and levels of experience, the programme also fostered cooperation between the beneficiary countries' competition authorities and consumer protection agencies, bringing together experts and officials and encouraging information exchange, bilateral/regional contacts and coordinated actions. Other stakeholders also benefited from awareness-raising and advocacy activities and participated in capacity-building sessions. The four regional training centres on competition (Egypt and Tunisia) and consumer protection (Egypt and Lebanon) also remain as infrastructures to further develop and expand cooperation in both fields at the bilateral and regional levels.

24. Another positive result was the first-ever voluntary peer review of consumer protection in Morocco, facilitated by UNCTAD, which was shared with international consumer protection experts in Geneva and was followed by a two-day dissemination event in Rabat, with the active involvement of all relevant stakeholders. The Government of Morocco has already amended its legislation according to the report's recommendations, illustrating the contribution of this exercise to the improvement of consumer protection in the country and setting a unique and high-level example in the region. Finally, two reports, one on gender and competition and another on gender and consumer protection, provided an opportunity to raise awareness among stakeholders to the utmost importance of gender equality and the need to mainstream gender into these policies.

Central African Economic and Monetary Community regional programme

25. The regional programme for Central Africa, launched in 2017 and funded by the European Union, aims at developing and consolidating the legal and institutional framework for the promotion of competition and consumer protection policies in Central

¹⁰ The COMPAL network is composed of the following members: Argentina, Brazil, the Plurinational State of Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and the Andean Community.

¹¹ See <https://unctadcompal.org/search/declaracion+de+santo+domingo>.

Africa, particularly in the Central African Economic and Monetary Community,¹² the Democratic Republic of the Congo and Sao Tome and Principe. It also aims at strengthening the capacity of the Community's oversight body to update and monitor the application of regional competition rules, with a view to supporting national competition structures that promote economic efficiency and consumer interests through increased institutional capacity. The effective implementation of these frameworks will contribute to improving the business environment in Central Africa and thus to building a competitive subregional economy that is well integrated with the world.

Association of Southeast Asian Nations

26. UNCTAD has continued to work closely with the secretariat of the Association of Southeast Asian Nations (ASEAN) and its member States for several years, in partnership with the German Agency for International Cooperation and the Japan International Cooperation Agency, through the Japan Fair Trade Commission, which shares its experience on international best practices in competition and consumer protection laws and policies. UNCTAD has also been providing substantive inputs to ongoing ASEAN work at the regional and national levels, based on the agreed plans adopted by the ASEAN Experts Group on Competition and the ASEAN Committee on Consumer Protection.

Sofia Competition Forum joint initiative

27. The Sofia Competition Forum was established in July 2012 as a joint initiative of UNCTAD and the Bulgarian Commission on the Protection of Competition. The Forum aims to assist Balkan competition authorities in adopting and enforcing competition law, in compliance with the best European and international practices, and to maximize the benefits of well-functioning markets. The main beneficiary competition authorities are from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Montenegro, North Macedonia, Serbia and Kosovo.¹³ Beneficiaries are committed to furthering cooperation among each other and contributing to the activities and initiatives of the Forum. In 2018, Bulgaria organized the European Competition Day with the presence of all beneficiaries under the Sofia Competition Forum initiative and the countries of the European Union. UNCTAD actively participated in the event as part of the main panel.

B. Legal and institutional framework: Reviewing the status of legislation and policy and setting up relevant institutions

28. Apart from the advisory services provided within the regional technical cooperation projects mentioned above, UNCTAD has increasingly made use of its expertise in the fields of competition and consumer protection when providing advice to member States at their request and when assisting them through technical cooperation projects. Furthermore, regarding voluntary peer reviews of competition and consumer protection law and policy, UNCTAD has been playing a more substantive role in the drafting of the assessment report on member States' legal framework and its enforcement, since the Botswana voluntary peer review on competition law and policy and the first voluntary peer review of consumer protection law and policy of Morocco were conducted in 2018. In addition, under ongoing cooperation with the German Agency for International Cooperation, UNCTAD undertook preparations for and drafting of the voluntary peer review of consumer protection of Indonesia.

29. The Ministry of Antimonopoly Regulation and Trade of Belarus requested that UNCTAD undertake a legal assessment of the country's national competition law of 2013, in force since August 2018. The exercise has been ongoing since 2018 and the results are expected to be presented at the eighteenth session of the Intergovernmental Group of Experts on Competition Law and Policy.

¹² The Central African Economic and Monetary Community is made up of Cameroon, the Central African Republic, Chad, the Congo, Equatorial Guinea and Gabon.

¹³ United Nations Administrative Region, Security Council resolution 1244 (1999).

30. In addition, the Eurasian Economic Commission requested the UNCTAD Secretariat to undertake an assessment of the regional competition-related regulations under the Eurasian Economic Union Treaty adopted in 2014. This assessment is expected to be launched at the eighteenth session of the Intergovernmental Group of Experts on Competition Law and Policy.

31. In 2018, in partnership with German Agency for International Cooperation, UNCTAD drafted a report that analysed the draft competition bill of Cambodia, in light of the UNCTAD Model Law on Competition and international best practices from jurisdictions of other developing countries and countries with economies in transition. The law amendment process is pending.

32. UNCTAD also assessed the foreseen amendments of the consumer protection law of Bhutan and supported Argentina in the revision of its consumer protection legislation, taking into consideration, among other things, the revised United Nations guidelines for consumer protection and consumer issues related to electronic commerce (e-commerce) and sustainable consumption.

C. Strengthening human resources capacities and implementing advocacy and awareness-raising activities

33. UNCTAD organized a workshop at the Beirut Regional Training Centre for the Middle East and North Africa on consumer protection policy to present, discuss and validate the content of UNCTAD Middle East and North Africa reports on complaints handling and dispute resolution and redress, e-commerce, product safety, gender equality and consumer protection. The workshop had a multi-stakeholder scope, gathering consumer protection agencies' experts and representatives from other Government bodies, consumer associations and business organizations.

34. In the field of competition, under the cooperation framework between UNCTAD and the Zurich School of Management and Law, one of the largest universities in Switzerland and renowned for its expertise in competition policy, law and economics, and international trade, UNCTAD facilitated the organization of a three week-long competition and compliance course in Geneva and Cairo for competition authorities of Middle East and North Africa beneficiary countries. The training increased the knowledge and expertise of participants for use in their daily work at the competition authorities.

35. Furthermore, under the Middle East and North Africa programme, UNCTAD developed two training-of-trainer programmes for regional beneficiaries in the fields of competition law and consumer protection law enforcement. The programmes include modules and presentations that will facilitate enhancing capacity-building efforts in countries of the Middle East and North Africa and contribute to the sustainability of the programme's benefits among Middle East and North Africa counterparts.

36. COMPAL organized a two-day intensive course on consumer protection and competition for judges of the programme's beneficiary countries. The course gathered high-court judges from Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay, as well as from the Andean Community. The course laid the foundations for the exchange of judicial experiences in the resolution of consumer protection cases and encouraged enforcement of consumer protection and competition law in Latin America in a coherent and uniform manner, in line with the aim of COMPAL to promote a culture of efficient markets seeking to achieve the economic welfare of citizens. UNCTAD also organized a major event on competition and the rights of consumers in relation to football in Peru, in collaboration with the country's National Institute for the Defence of Free Competition and the Protection of Intellectual Property (INDECOPI) and with the participation of experts and international sports organizations, including the president of the football league of Spain.

37. Under the Central African Economic and Monetary Community programme, workshops on competition and consumer protection were held in Sao Tome and Principe,

the Central African Republic and Equatorial Guinea, aimed at parliamentarians, competition and consumer protection officials, government officials, representatives of sectoral regulators, the private sector and consumer associations.

38. Additionally, UNCTAD organized a regional workshop in Cameroon to validate the draft community competition rules for Central African Economic and Monetary Community and regional guidelines on consumer protection for Central Africa. The workshop was aimed at the sectoral ministries in charge of these policies in the six member States of Central African Economic and Monetary Community.

39. Three training workshops were organized in collaboration with the Fair Competition Commission of the United Republic of Tanzania as a follow-up of the implementation of the recommendations of the voluntary peer review of competition law and policy conducted for the country by UNCTAD in 2012.

40. The first training workshop was on competition policy and law enforcement and targeted the staff of the country's Fair Competition Commission and the Zanzibar (United Republic of Tanzania) Fair Competition Commission. The second training workshop was on consumer protection and covered the United Nations guidelines for consumer protection and the Sustainable Development Goals, consumer information and education, product safety and liability, consumer protection enforcement systems in Kenya, the United Republic of Tanzania and Zambia, business conduct and consumer protection, consumer protection in e-commerce and financial services, dispute resolution and consumer redress and international cooperation. The third training workshop addressed the judges/members and commissioners of the Fair Competition Tribunal of the Fair Competition Commission and the Zanzibar Fair Competition Commission, to familiarize them with both the economics underpinning national competition laws and the legal approach to competition law enforcement. It also covered the revised United Nations guidelines for consumer protection, UNCTAD work in the area and current and emerging issues in the advent of the digital economy.

41. Following the commitment of Cabo Verde to establish a Competition Authority and to reinforce the framework for an effective market economy, UNCTAD participated at the workshop organized by the Ministry of Finance entitled "The implementation of the competition law in Cabo Verde: The relationship between competition policy and sector regulation in a cooperation perspective". The aim was to sensitize sectoral authorities and stakeholders to the relevance of a competition and consumer protection agenda in view of the planned creation of a competition authority and to encourage coordination and cooperation mechanisms.

D. Digital tools, market studies and knowledge management platforms

42. Through the generous support of INDECOPI of Peru, a virtual catalogue of international best practices on competition and consumer protection was developed in the first half of 2018.

43. UNCTAD and INDECOPI have since transferred all the data and shared the management of the virtual catalogue in association with the national competition and/or consumer protection agencies of countries that took part in the pilot project: Argentina, Brazil, Canada, Colombia, Costa Rica, Japan, Kenya, Mexico, Republic of Korea, South Africa and United States of America.

44. The UNCTAD Middle East and North Africa web platform, launched in 2018, facilitates interaction between competition and consumer protection authorities of the beneficiaries and between other relevant stakeholders. It hosts information about the programme's objectives and activities, and gathers materials and products (reports, guidelines), allowing for a restricted area through which to share information and access decisions/rulings databases between the primary beneficiaries. The platform may also be used for online training.

E. Strengthening partnerships: Expert meetings, international and regional forums and partnerships

45. In July 2018, a German Agency for International Cooperation–UNCTAD mission on exploring cooperation opportunities for countries of ASEAN within institutions of the Government of Australia met with Australia-based institutions dealing with capacity-building and technical assistance for ASEAN countries. UNCTAD, along with the United Nations Economic and Social Commission for Asia and the Pacific, undertook visits to Thailand-based institutions dealing with capacity-building and technical assistance for less developed ASEAN member States such as Cambodia, the Lao People’s Democratic Republic and Myanmar.

46. The possibility of using inter-agency funds and the United Nations Development Assistance Framework to provide technical cooperation in competition and consumer protection has been explored in the cases of Albania, Belarus, Cabo Verde and Viet Nam. The interest expressed by member States leading to formal technical cooperation requests to UNCTAD may be assessed in the context of existing United Nations Development Assistance Framework programmes, with the aim to secure funding for the implementation of technical assistance and/or capacity-building activities. An integrated approach to technical cooperation within the United Nations system and coordinated planning between United Nations agencies, especially the United Nations Development Programme and the United Nations Industrial Development Organization, may boost UNCTAD activities in these fields when member State Governments are fully invested.

47. Other contacts established with the United Nations Economic and Social Commission for Western Asia, Organization for Economic Cooperation and Development OECD and World Bank may open new avenues for cooperation in the field of competition with a specific regional focus.

V. New UNCTAD intervention strategy: The need to adapt technical assistance to the new challenges of the digital economy

48. Efficient markets are indispensable for the successful implementation of the 2030 Agenda for Sustainable Development. Markets play an important role in the allocation of resources. However, without proper regulatory mechanisms, there are risks of market failures, including abuses of monopolistic power, negative externalities and inequality. States can help correct market failures, create an enabling legal, regulatory and institutional framework and provide the right incentives for market players to contribute more effectively towards sustainable development.

49. Competition and consumer protection policies play a direct and important role in promoting sustainable economic growth and reducing poverty. Competition stimulates innovation, productivity and competitiveness, contributing to an effective business environment. It creates possibilities for small and medium-sized enterprises, removes barriers that protect entrenched elites and reduces opportunities for corruption. Competition therefore increases a country’s attractiveness as a business location, triggering national and foreign investment, and generating economic growth and employment. Competition also delivers benefits for consumers through lower prices, improved services and greater choice. In this sense, competition generates total consumer welfare.

50. Consumer protection benefits all consumers by ensuring they have the right of access to: non-hazardous products; adequate information to enable informed choices according to their individual wishes and needs; and effective redress. Consumers who know their rights and enforce them are thus empowered and subject to fewer abuses. This directly improves their welfare. It also contributes to creating a level playing field for businesses that are subject to a high-level set of standards, promoting competition.

51. Today, the challenges of the digital economy raise questions and concerns for competition and consumer protection authorities across the world. The rapid growth of

e-commerce and the development of new business models powered by large digital platforms are dramatically changing market structure and impacting on consumption patterns at a rapid pace. In addition, considering that the use of data is one of the most important features and assets of the innovative business models, especially for platforms, it is necessary to combine competition, consumer protection and data protection policies to design measures and initiatives that take into account all aspects involved.

52. UNCTAD may facilitate the sharing of international best practices, especially by assisting developing countries to make the best use of the benefits of the digital economy and, above all, to prevent the risks from hampering their social and economic development. In this vein, UNCTAD prepared a questionnaire addressed to member States¹⁴ in order to hear their concerns, needs and priorities and to better identify how best they could be supported in the face of digital challenges. Through the questionnaire, UNCTAD expects to identify on which areas to focus its technical assistance activities under the current international digital environment. The responses to the questionnaire will help establish the scope of such activities (national or regional) and the economic actors that should be targeted, bearing in mind the challenges brought about by the evolution of markets, particularly in sectors for which the ways of operating are being fundamentally transformed, such as travel services, retail services, clothing, books and electronic products.

A. Competition law and policy

53. Responses received from member States indicated that new information technologies are a big challenge for competition and consumer protection agencies, especially in developing countries.

54. In the field of competition policy, authorities asked UNCTAD to deepen the analysis of competition in dynamic markets and markets related with technology, internet, telecommunications, disruptive innovation, market sophistication and competition, innovative business models and consumer welfare, competition in online markets and data-driven online markets. According to the members surveyed, UNCTAD should focus its activities on all areas that have undergone transformation related to digitalization.

55. In that sense, member States suggested that UNCTAD carry out the following activities:

- (a) Seminar/workshops with key experts on:
 - (i) Data protection and how this area affects the enforcement of rules on competition;
 - (ii) E-commerce and its evolution, steps to be taken and how to align national legislation with it;
 - (iii) The new blockchain technology and its linkage with bitcoin;
 - (iv) Exclusive and special rights, public procurement procedures, to avoid bid rigging, and evaluation under merger control procedures.
- (b) Studies that analyse:
 - (i) The evolution of financial technology regulation by region (Latin America, Europe, Asia, Africa) and its impact on competition in traditional banking (barriers to entry, investment incentives);
 - (ii) Competition cases in financial technology markets and exchange of lessons learned on their handling.

56. Respondents highlighted international cooperation as a response to the growing threat of unlawful behaviour of large transnational companies, asking UNCTAD, as an international platform that addresses competition issues, to make a significant contribution

¹⁴ The questionnaire addressed partners from all continents that have benefited from UNCTAD technical cooperation in the fields of competition and consumer protection.

to assisting nascent competition authorities in combating the restrictive business practices of large transnational companies. Authorities from Latin America, Community of Independent States, Middle East and North Africa, ASEAN and Balkan countries recommended designing regional strategies on competition as a way to build common fronts in the face of the challenges of digitalization.

57. The scope of the activities developed should be regional as it is necessary to establish dynamic cooperation, exchange experiences and coordinate the application of policies against cross-border cartels, especially considering that the operation of international cartels has become more sophisticated with the use of algorithms.

58. Finally, the authorities that answered the questionnaire considered almost unanimously that the activities and support of UNCTAD should maintain and further develop a multi-stakeholder approach, promoting competition advocacy for the following groups: competition authorities, government officials, regulators, judges and the private sector.

B. Consumer protection law and policy

59. In the field of consumer protection policy, consumer protection authorities expressed their concerns regarding the effects of the digital economy on markets. New business models, as well as new forms of consumption and fraud, are some of the aspects that stand out in the comments of respondents.

60. The activities suggested by the authorities for the coming years are as follows:

- (a) Training activities focused on the features of the digital economy and the evolution of new business forms for effective consumer protection;
- (b) Exchange of experiences and staff to improve public policies on the basis of international best practices;
- (c) Studies for better understanding of the new markets, associating both public and private sector views;
- (d) New strategies for action, with strong involvement of the private sector (new market players) and focusing on vulnerable and disadvantaged consumers;
- (e) Enhanced cooperation between agencies at the regional and international levels through enforcement-related agreements and the development of common information systems (namely on product safety issues) for more effective action, as well as through internships of case-handlers and investigators;
- (f) Education and capacity-building on the issue of sustainable consumption, which is a major concern for consumers and governments, interacting with national environmental authorities, business representatives and civil society organizations.

61. Consumer protection agencies suggested a multi-stakeholder approach, addressing a broad range of representatives from agencies (experts), sectoral regulators, public administration bodies, business, the judiciary and academia.

C. National Institute for the Defence of Free Competition and the Protection of Intellectual Property–Competition and Consumer Protection for Latin America School

62. In the questionnaire, competition authorities and consumer protection agencies highlighted the excellent experience of the INDECOPI–COMPAL School in Peru, considering it to be a remarkable and unique initiative. The INDECOPI–COMPAL School is an initiative launched within the COMPAL programme, in cooperation with INDECOPI, that seeks to expand and strengthen the knowledge and capacities in competition and consumer protection of officials of participating member States of COMPAL.

63. Through training and updating activities, the project has offered specialized knowledge in the above-mentioned matters and responded to the needs of beneficiary countries. Activities included courses, workshops and seminars organized in a classroom format (essentially in Lima), partially face-to-face and through virtual means of communication.

64. The School remains open to officials of national competition and consumer protection agencies as well as experts who have links with these institutions and are nominated by them. The initiative corresponds to the first regional learning community that generated a source of knowledge and jurisprudence to help authorities in charge of protecting competition and consumer rights to make more accurate and harmonized decisions. It also promotes a culture that highlights how competition and consumer protection can contribute to the sustainable economic development of member States.

D. Voluntary peer reviews

65. UNCTAD voluntary peer reviews of competition (since 2005) and consumer protection (since 2018) laws and policies allow developing countries to benchmark their legislative framework against international best practices. They also provide an opportunity for the agencies reviewed to self-evaluate their enforcement performance. The reviews are conducted using an interactive peer review method that promotes knowledge-sharing between competition authorities and consumer protection agencies at the regional and international levels, enhances informal cooperation networks and encourages both North–South and South–South cooperation.

66. UNCTAD considers the peer reviews as useful and valuable instruments to analyse in detail the state of the policies, legislation, enforcement and practice of competition and consumer protection of member States that voluntarily submit to such an exercise, welcoming comments and questions from more experienced partners. Therefore, in addition to conducting voluntary peer reviews each year, UNCTAD will begin to carry out a follow-up assessment in relation to compliance with the recommendations included in a voluntary peer review report after the lapse of a period of time.

67. Accordingly, UNCTAD would send a questionnaire to the assessed member State two to three years after their peer review to ask about the implementation of the recommendations issued and any other related developments. Based on the information provided, a follow-up report would be prepared and presented at the meeting of the respective intergovernmental group of experts the following year.
