



**United Nations Conference  
on Trade and Development**

Distr.: General  
6 May 2022

Original: English

---

**Trade and Development Board  
Trade and Development Commission  
Intergovernmental Group of Experts on  
Consumer Protection Law and Policy**  
Sixth session  
Geneva, 18 and 19 July 2022  
Item 10 of the provisional agenda  
**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**  
Twentieth session  
Geneva, 20–22 July 2022  
Item 9 of the provisional agenda  
**Review of capacity-building in and technical  
assistance on competition law and policy**

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



## I. Introduction

1. UNCTAD is the focal point for competition and consumer protection laws and policies within the United Nations system. UNCTAD aims at assisting developing countries in improving their participation in the global economy; technical assistance is a core activity for this purpose.

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,<sup>1</sup> 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”.<sup>2</sup> The Set of Multilaterally Agreed Equitable Principles and Rules plays an important role in encouraging the adoption and strengthening of laws and policies in this area at both the national and regional levels.

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”.<sup>3</sup>

4. The Eighth 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, 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: “(a) conduct follow-up and an impact assessment of technical cooperation activities to improve and better adjust them to beneficiaries’ needs and priorities”; and “(b) 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”.<sup>4</sup>

5. Moreover, at the fifteenth session of the United Nations Conference on Trade and Development held in October 2021, the Bridgetown Covenant was adopted. In the document, UNCTAD mandates in the fields of competition and consumer protection and technical cooperation work were renewed (see box 1).

### Box 1

#### **Bridgetown Covenant, key extracts**

##### **Transforming economies through diversification**

56. In the process of transformation, it is fundamental for fair, sound and robust competition and consumer protection policies and enforcement to maintain a robust, level playing field and enhance transparency for all participants, so that market access is not under anticompetitive practices. Ensuring effective competition, including through support in developing and implementing competition policies and through cooperation among competition authorities, paired with robust consumer protection in the market, will help

---

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

<sup>2</sup> See A/C.2/35/6, annex, section F, paragraph 6.

<sup>3</sup> A/RES/70/186, paragraphs 92, 95–96 and 97 (e).

<sup>4</sup> TD/RBP/CONF.9/9, chapter I.

foster economic efficiency, resulting in safer and better products at lower prices for consumers.

62. Multilateral dialogue and cooperation are crucial in areas such as the governance of new and emerging technologies, including those related to data management, competition and consumer protection. Special attention should also be paid to the challenges of electronic commerce and the digital economy through an integrated approach to many strategic areas. Increased international cooperation is required, including in digital platforms' governance, to promote data flow with trust, safety and confidence in their use, in accordance with national regulations and relevant international commitments.

### **UNCTAD in a world in transformation**

#### *The technical cooperation work of UNCTAD*

115. UNCTAD should continue its work to support developing countries, through capacity-building and technical assistance. In consultations with the membership, a comprehensive and coherent technical cooperation strategy should be prepared by the secretariat, which will define the UNCTAD focus for future technical cooperation within its mandate.

116. UNCTAD technical cooperation should continue to assist developing countries and be adapted to the new opportunities and challenges in the fields of trade and development and interrelated issues. It should support countries in addressing the challenges exacerbated or revealed as a result of the [coronavirus disease] COVID-19 pandemic and build resilience to future economic shocks, by building productive capacities, and support sustainable development.

### **Work programme of UNCTAD**

#### *The role of UNCTAD*

127. UNCTAD, as the focal point within the United Nations system for the integrated treatment of trade and development and interrelated issues in the areas of finance, technology, investment, and sustainable development, should continue its work through the three pillars, building on the Nairobi Maafikiano and based on the preceding policy analysis of the Bridgetown Covenant. Therefore, UNCTAD should:

...

- (z) Continue to assist developing countries to formulate and implement competition and consumer protection policies and laws, facilitate cooperation among competition and consumer protection agencies, conduct peer reviews and foster the exchange of knowledge and best practices, including through multilateral forums, such as the Intergovernmental Group of Experts on Competition Law and Policy and the Intergovernmental Group of Experts on Consumer Protection Law and Policy, and by contributing to the implementation of the outcome of the United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and of the revised United Nations guidelines for consumer protection;

*Source:* TD/541/Add.2.

6. Finally, in paragraph 18 of the agreed conclusions of the nineteenth session of the Intergovernmental Group of Experts on Competition Law and Policy (TD/B/C.I/CLP/61, chapter I), the UNCTAD secretariat was requested to prepare, for the consideration of the twentieth session of the Intergovernmental Group of Experts on Competition Law and Policy, 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. Similarly, in paragraph 16 of the agreed conclusions of the fifth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy (TD/B/C.I/CPLP/26, chapter I), the UNCTAD secretariat was requested to prepare, for the consideration of the sixth session of the Intergovernmental Group of Experts on Consumer

Protection Law and Policy, an updated review of capacity-building in and technical assistance on consumer protection law and policy, including an impact assessment.

7. 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 2021–2022. Continuing from the last year (2020–2021), not all activities could be carried out in the field during the period due to the COVID-19 pandemic, and those activities that were conducted were affected by restrictions related to the pandemic. UNCTAD has focused on supporting member States and regional and international organizations in addressing the challenges generated by the crisis and directly related to economic recovery.

## II. Review of activities implemented in 2021–2022

8. In accordance with the above-mentioned mandates, UNCTAD provides a wide range of technical cooperation services, such as assisting in the preparation, adoption, revision and/or implementation of competition and consumer protection laws and policies and building institutional capacity for the effective enforcement of competition and consumer protection laws, as well as advocating for competition and consumer protection awareness among stakeholders. UNCTAD technical assistance is also provided as a follow-up to the implementation of recommendations deriving from voluntary peer reviews of competition and consumer protection laws and policies. This chapter briefly describes the UNCTAD capacity-building and technical assistance activities delivered in 2021–2022 at the national, regional and international levels. Continuing from the last year (2020–2021), most of the activities were delivered virtually.

### A. Activities in the field of competition

#### 1. Regional and international levels

9. The United Nations Development Account project response to COVID-19 was launched in 2020, comprising five short-term projects,<sup>5</sup> of which two were implemented by the Competition and Consumer Policies Branch of UNCTAD. One of the two projects, the “Global initiative towards post-COVID-19 resurgence of microenterprises and small and medium-sized enterprises” (Project 2023W)<sup>6</sup> is aimed at providing advice, capacity-building and support, under five clusters, to Governments in developing countries, to strengthen their resilience during and following the pandemic. Under the cluster on enhancing access to markets, UNCTAD undertook a global report<sup>7</sup> and conducted national studies on the impact of COVID-19 on microenterprises and small and medium-sized enterprises in Brazil, South Africa and Thailand and co-organized five regional policy dialogues to discuss findings and recommendations.<sup>8</sup> UNCTAD held bilateral consultations with Brazil, South Africa and Thailand (late 2021–2022) to discuss the ways forward with

---

<sup>5</sup> See <https://www.un.org/development/desa/da/da-response-to-covid-19/>.

<sup>6</sup> See <https://www.un.org/development/desa/da/global-initiative-towards-post-covid-19-resurgence-of-the-msme-sector/>.

<sup>7</sup> UNCTAD, 2022, *The COVID-19 Pandemic: Impact on Micro, Small and Medium-Sized Enterprises – Market Access Challenges and Competition Policy* (United Nations publication, Geneva).

<sup>8</sup> On 2 March 2021, for the Association of Southeast Asian Nations region, co-organized with the Economic and Social Commission for Asia and the Pacific and the Association of Southeast Asian Nations secretariat, and in partnership with Taylor’s University of Malaysia; on 11 March 2021, for Africa, co-organized with the Economic Commission for Africa and the African Institute for Economic Development and Planning; on 25 March 2021, for Europe, co-organized with the Economic Commission for Europe, in partnership with the [Brazil, Russian Federation, India, China and South Africa] BRICS Competition Law and Policy Centre; on 25 March 2021, for Latin America and the Caribbean, co-organized with the Economic Commission for Latin America and the Caribbean, and in partnership with the Brazilian Micro and Small Enterprise Support Service; and on 8 April 2021, for Western Asia, co-organized with the Economic and Social Commission for Western Asia and the competition authority of Egypt.

regional partners and relevant national stakeholders. A global policy dialogue, focused on the three main recommendations of the global report,<sup>9</sup> was held in December 2021, which brought together experts in competition and microenterprises and small and medium-sized enterprises and other representatives from United Nations regional economic commissions, Government and business organizations to comprehensively discuss the overall conclusions and possible policy options in this area.

10. In the final phase of the project, March–May 2022, UNCTAD also presented two products that complement the recommendations made in the global report: (a) an online course on the interface between development of microenterprises and small and medium-sized enterprises and competition policy; and (b) recommendations regarding the access of microenterprises and small and medium-sized enterprises to digital platforms. The online course is available to competition authorities and organizations that support microenterprises and small and medium-sized enterprises; it consists of five modules. These modules explore measures to improve and support economic recovery through the implementation of public policies including competition policy. The course analyses the best international practices aimed at facilitating access to markets, improving financing policies, promoting formalization and favouring digitalization and innovation in government actions. The recommendations also aim at providing competition authorities and Governments with an instrument to guide them to prevent abusive conduct by digital platforms in their relations with microenterprises and small and medium-sized enterprises, through voluntary or mandatory mechanisms.

11. UNCTAD signed a letter of understanding with the Economic and Social Commission for Western Asia and the Organisation for Economic Co-operation and Development to promote and strengthen competition policies in Arab countries<sup>10</sup> in 2019. Under this cooperation agreement, the second Joint Economic and Social Commission for Western Asia–UNCTAD–Organisation for Economic Co-operation and Development Competition Forum for the Arab region was held on 23 and 24 March 2021.<sup>11</sup> The Competition Forum aimed at developing a regional multi-stakeholder platform that facilitates the coordination and implementation of competition-related initiatives both at the national and regional levels. At the second Joint Competition Forum, Arab countries discussed their latest competition developments, reforms and measures taken during the COVID-19 pandemic and learned from competition authorities from different parts of the world about best practices regarding institutional design, competition law and policy and effective enforcement. Furthermore, based on the cooperation agreement, a joint webinar on understanding competitive neutrality for Arab countries was organized on 24 November 2021,<sup>12</sup> which raised awareness of importance of competitive neutrality and a level-playing field to economic growth and attractive business environments.

12. UNCTAD has continued to provide assistance to the West African Economic and Monetary Union and conducted a second voluntary peer review of competition law and policy of the West African Economic and Monetary Union in 2020. As a follow-up of this second peer review, a dissemination workshop was held from 28 to 30 April 2021<sup>13</sup> to identify a road map and strategies for implementing the recommendations.

---

<sup>9</sup> These are related to the competition guidance to microenterprises and small and medium-sized enterprises, access to finance by microenterprises and small and medium-sized enterprises and promoting the access of microenterprises and small and medium-sized enterprises to digital markets. See UNCTAD, 2022.

<sup>10</sup> The Economic and Social Commission for Western Asia comprises Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Somalia, the Syrian Arab Republic, Tunisia, the United Arab Emirates, Yemen and the State of Palestine.

<sup>11</sup> See <https://unctad.org/meeting/second-joint-un-escwa-unctad-oecd-competition-forum-arab-region>.

<sup>12</sup> See <https://unctad.org/meeting/joint-un-escwa-unctad-and-oecd-webinar-understanding-competitive-neutrality>.

<sup>13</sup> See <https://unctad.org/meeting/atelier-regional-de-dissemination-des-resultats-de-levaluation-ex-post-de-la-politique>.

13. UNCTAD launched a regional technical cooperation project on competition and consumer protection policies for Portuguese-speaking developing countries in 2020,<sup>14</sup> funded by the Government of Portugal, to build on commonalities to promote competition and consumer protection policies as important instruments within the development strategies of these countries. In the ambit of this project, a webinar on competition law and policy was held, on 10 September 2021,<sup>15</sup> that covered current challenges of and perspectives for international cooperation in this field (another webinar on consumer protection is described in chapter II, section B).

14. UNCTAD continues to work with the Commission of the Central African Economic and Monetary Community on the implementation of its new regulations on competition and consumer protection (two regulations and two directives) adopted by the Council of Ministers in 2019, in the framework of a programme for the strengthening of competition and consumer protection policies, implemented by UNCTAD with the financial support of the European Union. These Community regulations must be transposed by member States<sup>16</sup> into their respective legislation and, to this end, UNCTAD has organized a series of events aimed at raising awareness of the content and importance of the new legislative texts within the member States concerned. In the period September–December 2021,<sup>17</sup> in partnership with the Central African Economic and Monetary Community and the Government of Gabon, UNCTAD organized six events to raise awareness and train economic and social actors involved in their implementation. In particular, three awareness-raising events were organized for government ministries and agencies, entrepreneurs and chambers of commerce, and members of parliament, respectively. In addition, three training seminars were organized on the application of competition rules, the application of consumer protection rules and economic analysis in the application of competition rules. In the coming months, UNCTAD will hold such events in the other member States of the Central African Economic and Monetary Community to promote the effective application of the texts adopted throughout the region.

15. In addition, UNCTAD has provided advisory services on competition policy to the secretariat of the African Continental Free Trade Area and its member States. As the protocol on competition of the Agreement on the African Continental Free Trade Area is in negotiation, technical assistance is required to facilitate the negotiation and implementation of an Africa-wide competition policy. From 12 to 14 October 2021, UNCTAD organized a three-day webinar on competition law and policy,<sup>18</sup> which aimed at enhancing the understanding and capacities of officials in the African Continental Free Trade Area secretariat and member States.

16. The Central American Network of Competition Authorities held its fifteenth annual meeting, on 26 and 27 October 2021, under the auspices of the competition authority of Costa Rica, which is the country currently holding the presidency pro tempore. At the meeting, relevant topics were addressed, in particular compliance programmes in competition law and international cooperation and cross-border cartels. UNCTAD participated in the event with a presentation on international cooperation and cross-border cartels, in which it highlighted the lack of cooperation in the Central American region in this area and presented the work carried out by UNCTAD through the informal working group on cross-border cartels that was established in 2020. Likewise, the UNCTAD guiding policies and procedures under section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices<sup>19</sup> were presented as an instrument at the disposal of member States to facilitate international cooperation and

---

<sup>14</sup> Angola, Brazil, Cabo Verde, Equatorial Guinea, Guinea-Bissau, Mozambique, Sao Tome and Principe and Timor-Leste.

<sup>15</sup> See <https://unctad.org/meeting/webinar-competition-law-and-policy-portuguese-speaking-countriesseminario-sobre-defesa-da>.

<sup>16</sup> Cameroon, Central African Republic, Chad, Equatorial Guinea, and Congo.

<sup>17</sup> On 14 and 15 September 2021, 28 and 29 September 2021, 10 November 2021 and from 29 November to 3 December 2021, 6 to 9 December 2021 and 13 to 15 December 2021.

<sup>18</sup> See <https://unctad.org/meeting/training-programme-competition-law-and-policy-afcfta-members>.

<sup>19</sup> See [https://unctad.org/system/files/official-document/ditccplpmisc2021d2\\_en.pdf](https://unctad.org/system/files/official-document/ditccplpmisc2021d2_en.pdf).

establish dynamics that promote coordinated actions in the fight against transnational anticompetitive practices.

17. In Latin America, since the end of the Competition and Consumer Protection Policies for Latin America programme (COMPAL III), new activities in the region have been directly self-funded by beneficiary countries. A specific project on competition compliance in Latin America to prepare a study on the competition law compliance programmes and their application in the Latin American region has been launched by UNCTAD in cooperation with the Zurich University of Management and Law. The objective of the study is to analyse the existing programmes and to propose, on the basis of international best practices, a model that promotes convergence to facilitate the enforcement of competition laws in a homogeneous manner.

18. UNCTAD concluded a memorandum of understanding with the Robert Schuman Centre for Advanced Studies of the European University Institute in 2019. Within the cooperation established, the Florence School of Competition of the European University Institute has provided UNCTAD with free tuition at competition training programmes in 2021–2022<sup>20</sup> for officials of national competition authorities of developing countries to strengthen their capacities, which is an important contribution for enhancing the knowledge of experts of small and less experienced competition authorities.

## 2. National level

19. Following the voluntary peer review of competition law and policy of Botswana conducted by UNCTAD in 2018, a new competition and consumer protection authority, and the Competition and Consumer Tribunal were established in Botswana. UNCTAD organized an online training seminar, held on 24 and 25 March 2021, for the new Tribunal members on competition and consumer protection.<sup>21</sup> This seminar enhanced the understanding of the country's adjudicators of competition and consumer protection laws and policies to benefit the country's economic development more widely.

20. UNCTAD has collaborated with the Government of Guatemala. UNCTAD co-organized with the Government of Guatemala a webinar, held on 26 July 2021, on the importance of competition in public procurement to increase the country's competitiveness.<sup>22</sup> A national competition law is currently in the process of approval. In this regard, UNCTAD continues to show its support and provide technical assistance to the Government to achieve a consensus in parliament in the coming months so that the adoption of the law can be successful.

21. UNCTAD organized an online training for judges in El Salvador conducted on 10 and 17 December 2021.<sup>23</sup> The course was designed and coordinated by UNCTAD in collaboration with the Salvadoran competition authority and aimed at training judges and magistrates who have taken office in the new administrative courts. These judges will have to carry out a judicial review of the decisions of the competition authority; training in this area is therefore essential. The training covered issues related to competition law enforcement from the viewpoint of judiciaries, such as inspections, interim measures, the scope of review of administrative decisions and sanctions, and calculation methods for fines.

22. UNCTAD concluded a letter of understanding to promote competition law and policy with the World Bank in 2019, leading in late 2021 to a partnership for training

---

<sup>20</sup> The topics and dates of the training programmes were: "Merger control: Recent developments and digital markets" in February to March 2021; "Sectoral Challenges in the digital economy" in May to July 2021; "Florence competition autumn school" in October 2021; "Merger control: Recent developments in digital markets", from February to April 2022; and "Sectoral challenges in the digital economy", from May to July 2022.

<sup>21</sup> See <https://unctad.org/meeting/seminar-competition-and-consumer-protection-botswana-tribunal-members>.

<sup>22</sup> See <https://unctad.org/meeting/seminario-sobre-importancia-de-la-competencia-en-las-compras-publicas-para-incrementar-la>.

<sup>23</sup> See <https://unctad.org/meeting/foro-de-formacion-de-jueces-de-el-salvador-en-derecho-de-la-competencia>.

courses aimed at different relevant stakeholders in Morocco, in cooperation with the Competition Council of Morocco. Some of these courses are targeted at the media to improve their communication on the substantive activities of the Competition Council. Other courses are targeted at the judiciary to enhance their understanding of the competition law and share international best practices.

## **B. Activities in the field of consumer protection**

### **1. Regional and international levels**

23. UNCTAD has been implementing a project under the United Nations Development Account response to COVID-19, “Strengthening social protection for pandemic response” (Project 2023Y),<sup>24</sup> since 2020. The project aims at strengthening national capacities to design and implement social protection policies, with a gender perspective, for rapid recovery from COVID-19, and increasing resilience, especially of the most vulnerable populations, to the negative impacts of future exogenous shocks. During this reporting period, UNCTAD prepared an internal document on the role of consumer protection policies in the provision of health services and e-health (phase I of the project) and organized five regional policy dialogues<sup>25</sup> to present and discuss the findings and recommendations. The dialogues also promoted sharing experiences and best practices that have emerged during the COVID-19 crisis among representatives in each region. UNCTAD started afterwards to work on the implementation of selected recommendations of the internal document, which are the subject of a report to be presented to member States, partners and relevant stakeholders in the second quarter of 2022.

24. In the same vein as the webinar on competition law and policy for Portuguese-speaking developing countries (see chapter II, section A), UNCTAD also organized a webinar on consumer protection law and policy on 8 June 2021.<sup>26</sup> The issues covered at the webinar were the current status, challenges and perspectives, of those countries, for international cooperation in this area.

25. In August 2020, UNCTAD began activities for a project entitled “Delivering digital trading infrastructure and online dispute resolution for consumers as a means to improve international trade and electronic commerce”, funded by the China Silk Road Group, with a view to benefiting two pilot member States of the Association of Southeast Asian Nations (Indonesia and Thailand) before it is expanded to other States in the region. The aim of the project is to identify best practices and policy options to promote consumer online dispute resolution and to define the legal, technical and infrastructure requirements for the development of online dispute resolution systems, including through the use of emerging technologies such as block chain and artificial intelligence.

26. Along with preliminary research on national frameworks for consumer dispute resolution and redress, consumer dispute resolution in the world and consumer trust, the First Annual Conference, organized by UNCTAD and held on 23 July 2021, allowed for the official launch of the project, in the two pilot member States. The research output regarding consumer trust was compiled into an UNCTAD research paper titled “Consumer

---

<sup>24</sup> <https://www.un.org/development/desa/da/strengthening-social-protection-for-pandemic-response/>.

<sup>25</sup> The regional policy dialogues were conducted as follows: for Latin America and the Caribbean, co-organized with the Pan American Health Organization, held on 12 March 2021; for Africa, co-organized with the World Health Organization’s Regional Office for Africa and the African Institute for Economic Development and Planning of the Economic Commission for Africa, held on 27 April 2021; for the Eurasian region, co-organized with the Eurasian Economic Commission, held on 3 June 2021; for Western Asia, co-organized with the World Health Organization’s Regional Office for the Eastern Mediterranean and the Economic and Social Commission for Western Asia, held on 8 June 2021; and for the Association of Southeast Asian Nations region, co-organized with the German Agency for International Cooperation and the Department of Trade and Industry of the Philippines, held on 14 July 2021.

<sup>26</sup> See <https://unctad.org/meeting/webinar-consumer-protection-policy-portuguese-speaking-countriesseminario-sobre-politica-de>.



trust in the digital economy: The case for online dispute resolution,”<sup>27</sup> which was presented in a webinar on 13 December 2021. Furthermore, from 14 to 16 December 2021, UNCTAD organized a first policy training workshop on consumer dispute resolution for Indonesia and Thailand, with a view to laying a foundation of knowledge that allows these beneficiary countries to contribute to the design of a consumer online dispute resolution system that best suits their needs. The two other main research outputs, which are currently in progress, address consumer dispute resolution in the world and Indonesian national frameworks for consumer dispute resolution and redress.

27. In May 2021, UNCTAD concluded its technical assistance on the drafting of a toolkit, on sustainable consumption, of the Association of Southeast Asian Nations (ASEAN), at the request of the Government of the Philippines, which was representing the ASEAN Committee on Consumer Protection, and with funding from the Japan-ASEAN International Fund. The toolkit seeks to enhance the knowledge on sustainable consumption of government officials and relevant stakeholders, such as consumer associations and businesses, to enable the definition of the appropriate priorities and policies in this area. The toolkit is also to be used to foster regional cooperation between the beneficiaries, with neighbouring countries and other partners. It is composed of four modules that cover the concepts and principles of sustainable consumption; best practices and approaches to policies that promote sustainable consumption; tools and instruments used in influencing consumer behaviour; and the use of regulatory instruments in selected sectors.

28. In the context of the close cooperation with Latin American countries on consumer protection, every year, UNCTAD organizes the UNCTAD–COMPAL International Forum for Consumer Protection. On 7 September 2021, the Directorate General for the Consumer of Portugal and UNCTAD held the Tenth International Forum on Consumer Protection of the COMPAL programme,<sup>28</sup> for which discussions were focused on two axes: improving the formulation of public policy on consumer protection and consumer data protection; and successful experiences and emerging challenges. The event was attended by seven heads of consumer protection agencies from Latin America, as well as representatives of the European Commission and Consumers International, and more than 100 representatives of Governments, the private sector and civil society participated. The Eleventh International Forum on Consumer Protection was held jointly by the Secretariat for Consumer and User Protection of Paraguay and UNCTAD on 26 April 2022.

29. Following a successful first joint workshop in 2020, UNCTAD co-organized a second joint workshop with the European Commission titled “Building effective consumer product safety frameworks together” and held on 9 November 2021.<sup>29</sup> At the workshop, discussions addressed the issues for an effective consumer product safety, namely legislative and policy frameworks and cross-border and regional cooperation, aligned with the United Nations recommendation on preventing the cross-border distribution of known unsafe consumer products.<sup>30</sup>

## 2. National level

30. On 13 and 14 January 2022, as a follow-up of the voluntary peer review of the consumer protection law and policy of Chile (as explained in chapter III, section B), UNCTAD held an event<sup>31</sup> to disseminate the findings and recommendations emanating from the review and to raise awareness among stakeholders on the impact that those recommended actions can have in improving consumer policies and welfare. The event included meetings with the Chilean constitutional convention, the Government, consumer and business associations and the media.

---

<sup>27</sup> See [https://unctad.org/system/files/official-document/ser-rp-2021d15\\_en.pdf](https://unctad.org/system/files/official-document/ser-rp-2021d15_en.pdf).

<sup>28</sup> See <https://unctad.org/meeting/tenth-international-consumer-protection-forum-compal-programme>.

<sup>29</sup> See <https://unctad.org/meeting/joint-ec-unctad-workshop-building-effective-consumer-product-safety-frameworks-together>.

<sup>30</sup> See [https://unctad.org/system/files/official-document/ditccplpmisc2021d1\\_en.pdf](https://unctad.org/system/files/official-document/ditccplpmisc2021d1_en.pdf).

<sup>31</sup> See <https://unctad.org/meeting/dissemination-unctads-voluntary-peer-review-consumer-protection-law-and-policy-chile>.

### III. Voluntary peer review exercises in 2021–2022

31. This chapter provides an overview of the UNCTAD voluntary peer reviews<sup>32</sup> facilitated in 2021–2022. As of 2022, reviews of 26 jurisdictions on competition law and policy<sup>33</sup> and 4 jurisdictions on consumer protection law and policy have been completed.

#### A. Review of the competition law and policy of Malawi

32. The voluntary peer review of the competition law and policy of Malawi was held during the nineteenth session of the Intergovernmental Group of Experts on Competition Law and Policy. Representatives of the Governments of South Africa and Zambia and from academia, based in the United States of America, acted as peer reviewers.

33. In the peer review report,<sup>34</sup> substantive competition law issues were analysed, including anticompetitive agreements, the abuse of dominance and the control of mergers and acquisitions, as well as institutional issues related to enforcement structures and practices and challenges in connection with competition agency resources and caseloads. Based on the analysis, recommendations were provided, including the increase of budget and financial resources, the amendment of the current competition law for clearer definition of violations, capacity-building, as well as the placement of the competition and regulatory authorities under one central ministry, to avoid competing and conflicting policy objectives and the disjunction between competition and economic regulation in Malawi, on the one hand, and economic regulation in Malawi and that of the Competition Commission of the Common Market for Eastern and Southern Africa, on the other hand.

34. The peer reviewers asked the delegation of Malawi about resources, cooperation, coordination with neighbours in cartel cases, the role of competition policy in the national strategy and whether the competition authority was well equipped in terms of legal resources, which highlighted the need to build the technical capacity of the competition authority staff and financial capacity, as well as to increase collaborative efforts at the international and regional levels.

35. UNCTAD subsequently presented a proposal for a technical assistance project to implement the peer review recommendations on the allocation of resources and review of the current competition law. The project would aim at improving the legal and institutional framework of competition law enforcement, to align it with on-the-ground practices and international best practices, and sensitizing key stakeholders in the economy.

#### B. Review of the consumer protection law and policy of Chile

36. The voluntary peer review of the consumer protection law and policy of Chile was held during the fifth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy. Representatives of the Governments of Germany, the Republic of Korea and the United States of America acted as peer reviewers.

37. The peer review report<sup>35</sup> contained an outline of the political economic and social context of the review and the legislative, policy and institutional frameworks for consumer protection in Chile, including its recent legal amendment that strengthened the power of the country's consumer protection agency, the National Consumer Service of Chile. It was illustrated that the agency's consumer information and education programmes and

---

<sup>32</sup> See UNCTAD, 2020, *UNCTAD Toolbox: Delivering Results* (United Nations publication, Sales No. E.20.II.D.5, Geneva).

<sup>33</sup> Including 2 reviews of the West African Economic and Monetary Union WAEMU, 1 tripartite review of the United Republic of Tanzania, Zambia, and Zimbabwe, and 1 bipartite review of Fiji and Papua New Guinea.

<sup>34</sup> UNCTAD, 2021, *Voluntary Peer Review of Competition Law and Policy: Malawi* (United Nations publication, Geneva). UNCTAD/DITC/CLP/2021/1.

<sup>35</sup> UNCTAD, 2021, *Voluntary Peer Review of Consumer Protection Law and Policy: Chile* (United Nations publication, Sales No. E.21.II.D.12, Geneva).

complaint handling have been well received by businesses and consumers. The National Consumer Service also conducts remarkable interpretation of regulations, which serves as a reference for many other bodies with competence in this area.

38. The report's recommendations include the need to improve online dispute resolution, especially in electronic commerce (e-commerce), the inclusion of consumer interests in public policy, better training for judges and coordination with consumer associations. In particular, the most salient recommendations are the need to protect consumer rights at the constitutional level, the need to consider the rights and interests of consumers in the design of public policies and the need to strengthen institutions with a stake in consumer protection, such as the judiciary and local administrations.

39. The peer reviewers asked questions on the surge in consumer claims in the wake of the COVID-19 pandemic, protection of senior consumers, customer care system, collective redress, channels to convey information to consumers and priorities for research and the strategies for reaching out to consumers. In response to those questions, Chile highlighted the National Consumer Service's priorities and activities, such as the strengthening of complaints handling through emerging technologies, protection of vulnerable and disadvantaged consumers and consumer education.

40. The UNCTAD secretariat subsequently presented a technical assistance project proposal for implementation of the recommendations, which has as its objective to support the country in improving its legislative and institutional frameworks for consumer protection. In particular, the project seeks to enhance policy coordination among stakeholders and to build the capacities of staff of stakeholder entities.

### **C. Working group on modalities of UNCTAD voluntary peer review exercises**

41. 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, decided in its resolution A that UNCTAD should establish a working group on modalities of UNCTAD voluntary peer review exercises (TD/RBP/CONF.9/9, para. 16 (b)). The working group reported on its discussions at the nineteenth session of the Intergovernmental Group of Experts on Competition Law and Policy and the fifth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

42. Subsequently, the Intergovernmental Groups of Experts decided to "renew the mandate of the working group on modalities of UNCTAD voluntary peer review exercises, open to member States on a voluntary basis, without any financial implications for the regular budget of the United Nations, to further discuss and improve the existing procedures and methodology based on the possible improvements identified to date", and that the working group should report on its discussions in 2022, at the twentieth session of the Intergovernmental Group of Experts on Competition Law and Policy and the sixth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

43. The working group on modalities of UNCTAD voluntary peer review exercises further discussed possible improvements and revisions of the peer review process, considering comments provided by working group participants to date, and will propose improvements at the sessions of the Intergovernmental Groups of Experts in 2022.

## **IV. Future activities**

44. At 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 in 2020, UNCTAD outlined its technical assistance for the following five years (until 2025) in the areas of competition and consumer protection. Technical assistance would focus on: (a) the interface of competition, consumer protection and data

protection policies in the digital economy; (b) a stronger focus on advocacy, namely how authorities can approach different stakeholders, (c) priority setting, specifically how young authorities with limited resources should prioritize their work strategies, depending on the level of development; and (d) international cooperation, particularly bearing in mind the role of UNCTAD in the guiding policies and procedures in implementing international measures under section F of the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.<sup>36</sup>

45. Also, the impacts of the COVID-19 pandemic have continued to be felt since late 2019. UNCTAD has actively provided assistance linked to the problems generated by the pandemic, and a wide range of other technical assistance activities, adjusting formats and content and, importantly, maintaining the same level of quality as previously. It is foreseen that the impacts will continue to be felt in the near future. This point is underlined in the Bridgetown Covenant, which mentions that “UNCTAD technical cooperation should [...] support countries in addressing the challenges exacerbated or revealed as a result of the COVID-19 pandemic and build resilience to future economic shocks, by building productive capacities, and support sustainable development”.<sup>37</sup>

#### **A. Creating synergies between competition and consumer protection policies in dealing with issues on the digital economy**

46. Issues relevant to the digital economy and digital platforms have been key areas of UNCTAD activities recently, and UNCTAD expects to continuously focus on these issues in providing technical assistance activities.

47. Competition and consumer protection policies have consumers and businesses as the ultimate beneficiaries. This underlines a need for complementarity in the design and application of these policies. In this regard, UNCTAD has the advantage of working in both areas and, consequently, has a global vision of the scope and effects that coordinated application of policies in both areas can generate.

48. It is important for UNCTAD to continue to promote synergies between policies in both areas to create a competitive business environment that benefits both consumers and businesses. This point is especially relevant to the emerging digital economy. 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 consumption patterns at a rapid pace. In addition, considering the reliance of these new business models on data, there is a strong need to take into account all relevant aspects, including competition, consumer protection and data protection, in the development of policies and design of measures for an inclusive and competitive digital economy.

49. UNCTAD may assist its member States in developing the appropriate policy and legal frameworks, which would allow them to benefit from the digital economy while dealing effectively with its challenges. UNCTAD may also facilitate the sharing of international best practices between member States in the areas of competition and consumer protection.

#### **B. Improvement of international cooperation in competition law enforcement, namely under the guiding policies and procedures**

50. The guiding policies and procedures under section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices were adopted in 2020, at the Eighth United Nations Conference to Review the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, as a tool to enhance international cooperation in the investigation of cross-border competition cases. Since then, UNCTAD has been disseminating the guiding

---

<sup>36</sup> TD/RBP/CONF.9/6.

<sup>37</sup> TD/541/Add.2, paragraph 116.

policies and procedures among member States and promoting the utilization of the guiding policies and procedures in actual cases. At the same time, obstacles of a legal and practical nature remain that prevent less experienced competition authorities of developing countries from benefiting from international enforcement cooperation. One of the focus areas in UNCTAD technical assistance activities is the improvement of international cooperation in competition law enforcement, namely under the guiding policies and procedures.

51. In a similar vein, a working group on cross-border cartels was established in 2020, and had its mandate renewed in 2021, to highlight best practices, facilitate information exchanges, consultations and international cooperation and discuss tools and procedures, with a view to further exploring and understanding the modalities, principles and international standards of cross-border cartel investigations. The working group has been a platform where competition authorities have presented competition cases involving international cooperation and exchanged practical experiences. The working group also illustrates that UNCTAD can play an important role in international cooperation in competition law and policy, focusing on developing countries, by bringing countries together to build up trust and share experiences.

### **C. Increased assistance to regional economic organizations**

52. A regional focus, as was also emphasized in the Bridgetown Covenant, has been an important element of UNCTAD technical assistance activities in competition and consumer protection laws and policies. The regional focus is exemplified by the long-term COMPAL programme and continuous support for the West African Economic and Monetary Union, Central African Economic and Monetary Community and the African Continental Free Trade Area secretariat, as well as the organization of a meeting of United Nations regional economic commissions with competence in the area of competition law and policy.

53. At the request of all United Nations regional economic commissions, UNCTAD organized a first meeting among these commissions. Although the number of regional organizations with competence in the area of competition law and policy has steadily increased, relevant issues are rarely discussed in international forums. Newly formed organizations face challenges that can be overcome through the sharing of experience and best practices. The meeting, held on 26 May 2021, served to facilitate discussion of specific issues and provided an opportunity for representatives across the world to convene.

54. UNCTAD aims at continuing to deepen its technical assistance at the regional level, in response to the increasing number of regional organizations active in the field of competition and consumer protection, in particular in Africa and Latin America. Therefore, UNCTAD will continue to support the convening of meetings to cater to the specific needs of developing countries, support effective application of policies, define and address the relationship between regional and national legal provisions and encourage the smooth enforcement of competition law.

---