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Review of application and implementation of the Set

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

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building and technical assistance on competition law and policy to developing and least developed countries as well as countries in transition in accordance with requests received, the needs of the countries concerned and resources available. This includes both national and regional assistance in drafting competition laws and policy guidelines as well as capacity-building in the implementation of competition policy with a long-term perspective in line with the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices and the requests made by the Fifth United Nations Conference to Review All Aspects of the Set. Accordingly, this document assesses the relevance, impact and effectiveness of the work of UNCTAD on competition and consumer protection policies since the Fifth Review Conference, held in Antalya, Turkey in November 2005. It also contains a progress report on the capacity-building and technical cooperation activities of the UNCTAD secretariat, as well as the activities of donor countries who responded to UNCTAD's questionnaire.

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Introduction

1. The Fifth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices reviewed UNCTAD technical assistance and capacity-building work programme in 2000–2005. It requested the UNCTAD secretariat to assist developing countries in their effort to adopt competition law and policies (para. 6 (b)), underlined the value of the voluntary peer review process in UNCTAD and called for more peer review to be held within the Intergovernmental Group of Experts (IGE) on Competition Law and Policy (para. 7 (a)).

2. The secretariat, in the implementation of the decisions of the Fifth Review Conference, and the subsequent IGE, have taken measures to strengthen the Competition and Consumer Protection Policies Programme, as elaborated upon in the following chapters. The relevance, impact and effectiveness of the work of the Branch on Competition and Consumer Protection Policies have been enhanced as a result of these actions.

3. Accordingly, this note assesses UNCTAD's capacity-building relevance in the field of competition law and policy, its effectiveness and its impact in the economies of developing countries. The note also contains a progress report on the capacity-building and technical assistance activities of the UNCTAD secretariat from the Fifth Review Conference to the Sixth Review Conference, as well as the activities of donor countries who responded to UNCTAD's questionnaire.

I. Relevance of UNCTAD's capacity-building in the area of competition law and policy

A. UNCTAD's mandate

4. UNCTAD is the focal point on all work related to competition policy and consumer protection within the United Nations system which, in turn, is part of the United Nations' work on trade and development. The heart of its work on trade and development – the mandate for which dates to the adoption of the United Nations Set of Multilateral Principles and Rules for the Control of Restrictive Business Practices in 1980 – represents an acceptance of the view that the basic norms of competition law, which have long been in use in developed countries, should extend to the operations of enterprises, including transnational corporations (TNCs), in developing countries. Thus, the Objectives section of the United Nations Set emphasizes that the interests of developing countries in particular should be taken into account in the elimination of anti-competitive practices that may cause prejudice to international trade and development. Furthermore, the Objectives section sees the United Nations Set as an international contribution to a wider process of encouraging the adoption and strengthening of laws and policies in this area at the national and regional levels.

5. The Fifth United Nations Review Conference called upon UNCTAD in paragraph 6 (b) to “assist developing countries in their efforts to adopt competition laws and policies, establish competition authorities, tailor the laws and policies to their development needs and objectives, as well as their capacity constraints, and implement them effectively, including by providing inter-alia, (d) Technical assistance, advisory and training services, and information and advocacy.”

6. In addition, the Accra Accord (para. 74) decided that, “Efforts should be made to prevent and dismantle anti-competitive structures and practices and to promote responsibility and accountability of corporate actors at both the national and the international level, thereby enabling developing countries’ producers, enterprises and consumers to take advantage of trade liberalization. This should be supplemented by the promotion of a culture of competition and improved cooperation between competition authorities. Developing countries are encouraged to consider, as a matter of importance, establishing competition laws and frameworks best suited to their development needs, complemented by technical and financial assistance for capacity-building, taking fully into account national policy objectives and capacity constraints.”

B. Overview of UNCTAD’s technical assistance and capacity-building activities

7. In accordance with its mandate, UNCTAD provides technical assistance related to preparation, adoption, revision or implementation of national competition policy and legislation, and also by building national institutional capacity to enforce effective competition legislation. At the national level UNCTAD therefore organizes:

(a) Assistance in the preparation of competition and consumer protection laws and related legislation;

(b) Consultative meetings to review draft competition laws with representatives of governments. These activities represent an essential step in the way of competition legislation adoption;

(c) Intensive courses on competition laws and policies including training courses on evidence-gathering in competition cases;

(d) Training courses for judges on issues related to competition laws and policies; and

(e) Training courses on the implementation of competition law for newly appointed commissioners.

8. At the regional level, UNCTAD assists in the drafting and implementation of regional legislation on competition. It also organized a number of conferences, seminars and workshops aimed at contributing to capacity-building and multilateral cooperation in the competition area. At the regional and subregional levels, UNCTAD therefore organizes:

(a) Studies and reports on strengthening institutions in the area of competition;

(b) Regional workshops/conferences on competition law and policy;

(c) International conferences on competition policies for African, Arab, Latin American and Asian countries;

(d) Studies and reports on a possible framework for cooperation on competition policy, trade and related issues for regional integration groupings; and

(e) Regional training of judges and public prosecutors on the enforcement of competition law.

9. As can be seen from the information provided below, UNCTAD’s capacity-building and training activities have increased considerably during the five-year period reviewed. This is due in part to the considerable interest demonstrated by member States, at both the domestic and regional levels, and in part to the solidarity demonstrated by donors from many countries who made generous financial contributions and contributions in kind.

C. Streamlining UNCTAD's technical assistance and capacity-building activities

10. In response to the Trade and Development Board adopted decision 492 (LIV) on the "Review of Technical Cooperation activities of UNCTAD", paragraph 18 of this decision recalled recommendation 19 of the Report of the Panel of Eminent Persons concerning the need to consolidate technical cooperation projects and requested the secretariat to initiate, in consultation with member States, the process of establishing thematic trust funds within and among divisions. As a follow up of this decision, UNCTAD took two initiatives:

(a) An extension of the COMPAL programme with increased country coverage from 5 to 10; and

(b) The launch of a regional programme for Africa, AFRICOMP. In addition UNCTAD is streamlining its assistance to other countries through the One UN programme.¹

II. Effectiveness of UNCTAD's technical assistance activities

11. Between the Fifth and the Sixth Review Conferences, UNCTAD continued its demand-driven efforts to help individual countries and regional organizations in preparing and implementing competition law and policy. Annex 1 summarizes the main capacity-building activities provided by UNCTAD to interested countries and institutions.

A. Activities at the national level

12. UNCTAD provided technical assistance related to the preparation, adoption, revision or implementation of national competition and consumer protection policies and legislation. This assistance also involved contributing to a better understanding of the issues involved and building national institutional capacity to enforce effective competition legislation. Furthermore, UNCTAD assisted governments to identify the role of competition policy in development, its implications at the national, regional and international levels, as well as strategies for international cooperation in this field. The report now goes on to highlight in further detail the activities conducted by UNCTAD between 2006 and 2010.²

1. Competition policy-related activities

13. UNCTAD's various advisory and training activities were combined with or provided through different seminars, workshops, other meetings and activities directed at

¹ The United Nations launched the "Delivering as One" pilot initiative in 2007 to respond to the challenges of a changing world and test how the United Nations family could provide development assistance in a more coordinated way in eight countries.

When the Secretary-General launched Delivering as One, the governments of eight countries – Albania, Cape Verde, Mozambique, Pakistan, Rwanda, the United Republic of Tanzania, Uruguay and Viet Nam – volunteered to become "Delivering as One" pilots. The pilot countries agreed to work with the United Nations system to capitalize on the strengths and comparative advantages of the different members of the United Nations family. Together they are experimenting with ways to increase the United Nations system's impact through more coherent programmes, reduced transaction costs for governments, and lower overhead costs for the United Nations system.

² Annex 1 gives a summary of countries' requests met with UNCTAD technical assistance in the 2006–2010 period.

stakeholders, specific officials or a wide audience, including government officials, academics, business and consumer-oriented circles. These activities contributed to raising awareness about the role of competition and promoting a competitive culture.

2. Competition advocacy

14. UNCTAD provided training courses on competition law and policy for stakeholders including parliamentarians, sector regulators, business communities and consumer associations in Angola, Bolivia, Botswana, Cameroon, Comoros, Costa Rica, the Dominican Republic, Ecuador, Cambodia, Chad, the Lao People's Democratic Republic, Lesotho, Malawi, Paraguay, Swaziland, Trinidad and Tobago and Tunisia.

3. Assistance in the preparation of national competition laws

15. UNCTAD provided assistance in the preparation, amendment and the adoption of new competition law in the following countries: Botswana, Costa Rica, the Dominican Republic, Ecuador, Malaysia, Mozambique, Rwanda, Saudi Arabia, Sao Tome and Principe, Swaziland, the Syrian Arab Republic, Trinidad and Tobago, and Uganda. UNCTAD also contributed to the draft competition law of the Kurdistan Regional Government in Iraq.

4. Training of competition case handlers

16. National competition seminars for case handlers were organized for newly established competition agencies. They include Cameroon, Indonesia, Ecuador, Nicaragua, and Swaziland. In addition a "training of trainers" manual on competition policy was developed for the Indonesian Commission for the supervision of Business Competition (KPPU) in cooperation with the German Agency for Technical Cooperation (GTZ) and translated into Indonesian. Furthermore, additional training courses for judges were organized in Indonesia, El Salvador and Malawi. A training course on competition law and policy and the introduction of consumer protection issues were organized in Geneva for government officials and academics from the Kurdistan region of Iraq. This course was followed up with a training of trainers course on broader issues relating to competition policy, consumer protection and investment policies.

5. Institution-building

17. UNCTAD was also involved in the establishment of competition agencies in Botswana, Madagascar, Mauritius, Saudi Arabia, and Trinidad and Tobago, and also assisted with the appointment of commissioners in these countries. Other countries assisted by UNCTAD's institution-building activities include:

(a) **Mozambique** – UNCTAD prepared two reports for the institutional framework for the enforcement of the competition law;

(b) **Botswana** – A study tour to the Swedish, Swiss, Australian and the Hong Kong (China) competition and consumer policy authorities was organized for a delegation composed of members of the committee for drafting Botswana competition legislation;

(c) **Dominican Republic** – UNCTAD, under COMPAL, prepared the secondary legislation and application guidelines for the competition law;

(d) **Egypt** – UNCTAD cooperated with the United States Department of Commerce's Commercial Law Development Programme (CLDP) in the organization of an intensive training course for the newly recruited staff of the Egyptian competition agency in Cairo;

(e) **Jordan** – A training workshop was co-organized with the Jordanian Competition Directorate and the Republic of Korea International Cooperation Agency on “Abuse of Dominance and Anti-Competitive Agreements”;

(f) **Kenya** – As a follow-up to the Peer Review on Kenya’s competition policy, assistance was provided to Kenya in the restructuring of its competition authority and the redrafting of the competition law. In addition, a series of workshops and study tours in four different countries was organized within the framework of the review of Kenya’s Restrictive Trade Practices, Monopolies and Price Control Act. In November 2008 an institutional framework report on the implementation of competition law was finalized, with the support from United Nations Development Programme (UNDP);

(g) **Malawi** – An induction workshop was organized for the newly appointed members of the Competition and Fair Trade Commission of Malawi;

(h) **Peru** – A seminar on competition and consumer protection issues – including financial services, insurance, health services and energy – was held by UNCTAD in cooperation with the Peruvian competition authority in Lima. Consultations with provincial and municipal authorities held in Iquitos allowed increasing awareness on the importance of strengthening the local office of the competition authority;

(i) **South Africa** – Consultations between the Competition Appeal Court of South Africa and an UNCTAD team were held in Pretoria to conduct its internal review of cases handled by the appeal court.

6. Peer reviews and follow-up

18. With a view to ensure coherence between overall governmental approaches to privatization and liberalization of trade and investment regimes, UNCTAD has initiated the organization of ad hoc voluntary peer reviews on competition law and policy. Such reviews provide an ideal forum to appraise how economic reforms can promote development and ensure that markets work for the poor. Since the Fifth United Nations Review Conference, the following countries were reviewed: Kenya and Jamaica (2005), Tunisia (2006), Costa Rica (2008) and Indonesia (2009). UNCTAD plans to review Armenia’s competition policy during the Sixth Conference.

19. The eighth session of the Intergovernmental Group of Experts on Competition Law and Policy provided a framework within which UNCTAD could carry out a voluntary peer review on competition law and policy of the West African Economic and Monetary Union (WAEMU) and its eight member States. It was the first-ever review of a regional grouping’s competition policy and it highlighted the challenges and opportunities which developing countries face in strengthening their regional cooperation and integration schemes. The peer reviews have become an integral and appreciated part of UNCTAD work on technical assistance. They gave rise to a range of recommendations on how the application of the legislation might be made more effective at regional and national levels and through UNCTAD to build capacity for the enforcement and advocacy of competition policy.

7. Consumer protection

20. Six national workshops on consumer protection issues were organized in all regions of Bhutan between 2006 and 2010. The workshops aimed at seeking coherence between different legislation enforced by different partners and identifying synergies between assistance provided by various donors, including UNCTAD, on consumer protection. They were followed by study tours in Australia to finalize the institutional framework for a consumer protection agency and to sensitize stakeholders to the benefit of the application of the Consumer Protection Law. During this period, UNCTAD also prepared two market

surveys on the state of safety of consumer products, guarantees, labelling, prices and warrants in all the regions of Bhutan. These reports serve as basis for raising awareness and making markets work for consumers, particularly the poor.

21. In the Plurinational State of Bolivia, a workshop on the linkage of consumer protection issues and the informal sector was organized. The workshop raised awareness about existing shortcomings in different sectors and of the need for preparing coherent competition and consumer protection policies. A training course on consumer protection and consumer welfare for government officials from both central and provincial agencies in Botswana was organized in Francistown.

22. UNCTAD also assisted Cambodia in the elaboration of its national Consumer Protection Law and the institutional framework for its implementation. A revised draft on the Consumer Protection Law of the Lao People's Democratic Republic was reviewed during a consultative meeting held in Vientiane. As a result of these meetings, commentaries on details of the draft law were considered and the procedure for further work was agreed upon. A national workshop on consumer law and policy was organized for civil society and sector regulators in Lilongwe, Malawi. In the framework of the Competition and Consumer Protection Policies for Latin America (COMPAL) programme, dissemination events were held in Managua, Nicaragua, Costa Rica, Peru and El Salvador on the outcome of sectoral studies covering a range of consumer products. Furthermore, the Zambian competition commission was also assisted in preparing a competition and consumer day in Lusaka.

B. Activities at the regional level

1. Caribbean Community (CARICOM)

23. In the context of assisting Caribbean countries on the enforcement of national and regional consumer protection issues, a regional Workshop on Investigative Tools for Consumer Complaints was held in Saint Lucia.

2. Competition and Consumer Protection Policies for Latin America (COMPAL)

24. Activities under the COMPAL programme for five Latin American countries (Plurinational State of Bolivia, Costa Rica, El Salvador, Nicaragua and Peru), supported by Swiss State Secretariat for Economic Affairs (SECO), were implemented with the participation of all beneficiary countries.

3. Economic Community of West African States (ECOWAS)

25. Together with the secretariats of the Economic Community of West African States (ECOWAS) and WAEMU, UNCTAD also organized two regional seminars for participants from ECOWAS/WAEMU Member States. The Regional Training and Information Seminar on Competition Law and Policy in ECOWAS – aimed to review the draft regional competition rules and discuss the regional regulatory framework for competition policy. The second seminar provided an exchange of views among competition experts from ECOWAS, WAEMU and UNCTAD on how to promote common competition rules in West Africa, including drawing on UNCTAD peer review recommendation.

4. West African Economic and Monetary Union (WAEMU)

26. Six national training seminars on the implementation of the WAEMU competition rules were held by UNCTAD in cooperation with the secretariat. In addition, a study tour to the Swiss competition authority was organized for a delegation from the WAEMU, headed by a WAEMU commissioner.

5. Southern African Customs Union (SACU)

27. UNCTAD worked closely with the SACU secretariat on the preparation of competition policy rules and unfair trade practices. A series of national consultative workshops for the development of the SACU Cooperation Agreement on Competition Policy Enforcement and an Annex on Unfair Trade Practices (Art. 40 and 41 of the SACU agreement) were co-organized by UNCTAD and the SACU secretariat in Windhoek, Namibia. UNCTAD drafted the proposed Annex agreements.

6. UNCTAD–Tunisia Competition Centre

28. UNCTAD, in cooperation with the Tunisian competition agencies, organized one regional workshop on the impact of food crises on implementation of competition law and a national workshop on competition issues in the distribution services.

7. Competition Programme for Africa (AFRICOMP)

29. AFRICOMP, the new Competition Programme for Africa, was officially launched in Geneva on 22 June 2009. This new initiative was taken in response to the mandate given in the Accra Accord (para. 104 (g)). It is aimed at helping African countries develop appropriate administrative, institutional and legal structures for effective enforcement of competition and consumer law and policies. Most of UNCTAD technical cooperation activities in Africa in the second half of 2009 were undertaken within the frameworks of AFRICOMP. The programme provides for a more coordinated and streamlined approach in technical cooperation activities, based on the needs of each beneficiary country while promoting regional cooperation. It emphasizes beneficiaries' ownership and is demand-driven. The programme further seeks to establish closer links with the private sector, as well as with non-governmental organizations (NGOs) and local learning institutions. In May 2010, AFRICOMP was expanded to include nine additional beneficiary countries.

C. Cooperation with other organizations

30. The Competition and Consumer Policy Branch has an extensive network of cooperating partners with whom many of the analytical and capacity-building activities are implemented. Through the IGE, the Branch has established long-standing cooperation with national competition authorities and competition experts worldwide. This is being further strengthened with selected countries through its national-level capacity-building activities and, recently, the completion of voluntary peer reviews. The Branch also engaged and cooperated with NGOs and civil society, as well as the private sector. As UNCTAD technical cooperation and capacity-building activities were provided both at national level and within the framework of regional and subregional forums, the relations with regional integration groupings of developing countries have been strengthened to support the development and implementation of regional competition policy. In this connection, an UNCTAD research platform including 23 institutions was established in May 2010.³

31. Advisory assistance on the implementation of the Southern African Development Community (SADC) regional cooperation agreement on competition and consumer law and policy was provided to SADC member States during the regional seminar on Competition Law in Policy for SADC (Gaborone, Botswana, 18–21 August 2009).

32. A regional Seminar on Trade and Competition: Prospects and Future Challenges for Latin America and the Caribbean (Caracas, 20–21 April) was jointly organized by the

³ See the following link: <http://www.unctad.info/en/6th-UN-Conference-on-Competition-Policy/>.

Economic System of Latin American and Caribbean (SELA) and UNCTAD with a view of identifying areas of further research and recommendations for policymakers to deepen regional integration and promote economic development. The seminar discussed issues relating to the role of competition in promoting development and the interface between trade and competition policy. The SELA agreed to establish a working group on trade and competition with technical support from UNCTAD.

D. Participation in seminars and conferences

33. In 2009, staff members of UNCTAD took part in a number of seminars, workshops and conferences related to issues of competition law and policy and consumer protection. These include participation in regional meetings, with the International Competition Network (ICN), and the Organization for Economic Cooperation and Development (OECD).

E. Capacity-building and technical cooperation activities of member states and international organizations

1. Assistance provided by donor countries

34. The European Commission provided assistance to China, India, Israel, candidate countries and Western Balkans, and Mexico. Switzerland continued to provide its support to the COMPAL programme. It also provided assistance to the recently established Vietnamese Competition Agency. Within the frameworks of the ICN, the Russian Federation's competition authority, FAS Russia, renders technical assistance to the antimonopoly authorities of Mongolia, Kazakhstan, Moldova and Kyrgyzstan. FAS Russia also assists Mongolia in the development of its new competition law. In addition, FAS Russia renders technical assistance in preparing the report "On situation and tendencies of development of competition policy in the Armenian Republic", which will be presented during the next meeting of the Interstate Council on Antimonopoly Policy of Commonwealth of Independent States (CIS) countries in June 2010.

35. The Portuguese Competition Authority (PCA) signed a protocol of technical cooperation with Brazilian System for the Defense of Competition (CADE). The PCA also signed a memorandum of understanding with the Republic of Mozambique. Its aim is to assist Mozambique in creating its own stable competition policy framework based on international best practices and a strong legislative base, in an international policy framework.

36. Japan provided assistance to China, Indonesia and Viet Nam. Japan's assistance consisted in organizing seminars and training courses on competition law and policy issues in the beneficiary countries. The Australian Competition and Consumer Commission (ACCC) has provided or planned assistance to the Independent Consumer and Competition Commission of Papua New Guinea and to the Viet Nam Competition Authority.

III. The impact of introducing competition law and policy on the economy of developing countries

37. It is difficult to measure the direct impact of introducing competition law and policy on the economy. However, indirect measures such as changes in government policies and regulations can create an enabling environment for business to prosper, consumers to benefit and markets to work for the poor. Such changes can be indicative of the

improvements in the business environment through reduction of the cost of doing business and promoting consumer welfare. The following examples illustrate some of the recent, noticeable changes evident in countries in which UNCTAD has provided assistance on competition law and policy changes.

38. Capacity-building in competition policy in **Angola** contributed to a better understanding of the contents of the proposed Competition Bill by members of Parliament and stakeholders, ensuring its passing by the Parliament. In **Bhutan**, the study tour organized in Australia contributed to a better understanding of issues required for the creation of an efficient consumer protection agency and for using IT in handling and tracking complaints and processing reports. It also resulted in the acquisition of a simplified version of the IT software for use in Bhutan.

39. Assistance provided to **Cameroon** contributed to the increased ability of Cameroonian officials to efficiently enforce competition legislation at both national and regional levels. In this regard, the National Competition Authority of Cameroon was able to make its first decision on a competition case in the sugar industry in 2010. In 2009, a workshop organized in Santo Domingo (**Dominican Republic**) allowed enhancing awareness of a wide range of officials from various relevant government bodies on different issues related to the interface between trade and competition; particularly on the role of competition policy in trade and regional integration.

40. Assistance provided to **Iraq** allowed UNCTAD to impart training skills to the officials from the Kurdistan Regional Government in Iraq, provided greater awareness on competition law and policy and investment issues among participants, and contributed to the establishment of links with governmental and academic circles for promoting competition advocacy. Assistance provided to **Malawi** allowed enhancement of the knowledge on the role of commissioners in the administration and enforcement of competition law and policy, as well as to recruit new staff members.

41. **Kenya** launched an ambitious licensing reform programme which has led to the elimination of 110 business licenses and the simplification of 8, thereby reducing the time and cost of obtaining building licenses and registering a company. At the end of the programme, more than 600 of the 1,300 licenses will have been simplified or eliminated. The peer review of the competition law in UNCTAD and the amendment of the Monopolies and Prices Control Act led to the introduction of competition in land values (by allowing private practitioners) and to a faster turnaround (one week instead of one month for a land valuation). The private credit bureau also extended its database coverage by adding retailers and utility companies as providers of information.

42. In **Malawi**, the commercial division of the Blantyre High Court started hearing cases in May 2007, and two judges specializing in commercial cases have been appointed. **Mozambique** adopted a new commercial code. The new code implements modern corporate governance rules and strengthens the rights and duties of minority shareholders. It also identifies the liabilities of boards of directors more clearly. This code also modernized the business registration process by scrapping provisional registration and making notaries optional. These reforms are a complement to the adoption of a competition policy framework and the preparation of a competition law under an UNCTAD project. The Maputo Court now has two specialized judges in charge of commercial matters and new court rules which should make the judicial system more efficient.

43. **Indonesia** introduced a simplified process and new temporary permits that allow construction to begin while the full permit is being approved, cutting the time for obtaining a building permit from 49 to 21 days. The minimum loan threshold in the public credit registry was lowered from 50 million rupiah (\$5,460) to zero, increasing coverage of loans by 150 per cent. These reforms are part of the competition policy which KPPU advocates

within government departments and the Parliament. On the other hand, in 2009, a workshop on Merger Control for the staff of the Indonesian competition authority contributed to building up knowledge of government officials in the area of merger control with a view of a consequent enforcement of the national competition legislation in this area. UNCTAD technical assistance to Indonesia covers training for KPPU officials and Supreme Court and regional judges.

44. **Malaysia**, with the assistance of UNCTAD, recently adopted a competition policy framework which serves as a basis for the new Competition Act. It also expedited the procedure for checking and registering businesses, reducing the time necessary by a week. Malaysia reduced tax on profits by 1 percentage point (with another reduction of 1 percentage point planned by 2010 and simplified online tax returns to reduce the time necessary by 24 hours.

45. **Viet Nam**, which benefited from UNCTAD assistance in the preparation of its Consumer Protection Decree and Competition Act, now allows businesses to use general descriptions of assets and obligations in collateral agreements, as well as to use future assets to secure a debt or obligation. Viet Nam also adopted new securities and enterprise legislation. The Securities Act (2008) sets up a new securities exchange and trading centre. The Enterprise Act (2007) mandates greater investor involvement in major company actions and greater disclosure for related-party transactions. In addition, it introduces fiduciary duties for directors.

46. **Costa Rica and El Salvador**, which are beneficiaries of the UNCTAD COMPAL programme, both carried out major reforms. Costa Rica now allows traders to transmit customs declarations electronically and has improved the capacity of the customs services, thus reducing the timeframe for cross-border trade by six days for imports and seven days for exports. El Salvador established a one-stop shop for importers, thereby facilitating the documentation and approval process in Trinidad and Tobago, which UNCTAD assisted in its preparation of an institutional framework for competition law, and which now includes utility companies as providers of information to credit bureaus, thus extending the credit information index. In addition, the corporate income tax rate was lowered from 30 to 25 per cent.

47. **Egypt**, which UNCTAD has assisted in recent years in preparing and adopting a law on competition, cut the minimum capital required to start a business from 50,000 to 1,000 Egyptian pounds, and halved start-up time and cost. Egypt also reduced the cost of registering property from 3 per cent of the property value to a low fixed fee. New one-stop shops were launched for traders at the ports, cutting the time taken to process imports by seven days and the time for exports by five days. Egypt also reduced the cost of obtaining licences.

48. **Tunisia**, which benefited from UNCTAD technical assistance, including a peer review of its competition law in 2005, computerized the files in its property registry, reducing the time needed to register a property from 57 to 49 days. Tunisia also reduced corporate profit tax from 35 to 30 per cent and enhanced its credit information by lowering the minimum loan requirement at its public registry from 20,000 Tunisian dinars to zero.

49. **Bhutan**, which receives UNCTAD assistance for its accession process to the World Trade Organization and capacity-building related to consumer protection and unfair trade practices, made it easier for entrepreneurs to start limited liability trading companies by eliminating two procedures – name approval and location clearance – and increasing efficiency at the office of the registrar of companies. The time to start operating a business in Thimphu was reduced from 62 to 48 days. In addition, on 27 June 2007, the National Assembly approved the 2007 Land Bill and the Consumer Protection Bill. The

establishment of an anti-corruption commission will mean public procurement is better regulated.

50. The advocacy workshop organized in **Sao Tome and Principe** allowed raising awareness of representatives of different groups of civil society on the importance of competition law and policy in a market economy, and revising and preparing a draft Competition Bill for its submission for adoption. As a result of assistance provided to **Swaziland**, the Government was made aware of anti-competitive practices in the energy sector and it has commissioned a consultancy to formulate a national energy policy.

51. Finally, activities related to the UNDP/UNCTAD meeting on evaluating needs assessment of the competition agency and developing a joint project on competition in the **Syrian Arab Republic** allowed the Syrian agency to raise awareness of the new law among stakeholders. The agency was able to advocate to government departments and agencies exempt from regulations of the law about the need for coherence between competition legislation and other policy objectives, and also significantly contributed to starting the operations of the Syria Competition Commission.

Annex

Summary of countries' requests met with UNCTAD technical assistance 2006–2010

Requestor/ beneficiary	Activities related to drafting or reviewing of laws and policies	Peer reviews and follow up	Institution- building	Advocacy activities	Consumer protection	Training of local officials	Regional and subregional cooperation activities
Afghanistan	2006						
Angola	2006, 2009					2006, 2010	
Azerbaijan							2005
Benin		2007		2006			2006, 2007
Bhutan	2006, 2007, 2008, 2009, 2010				2006, 2007, 2009, 2010		
Bolivia, Plurinational State of	2006			2007	2007		2007
Botswana	2006, 2007	2010			2007, 2009	2007	2006
Brazil							
Burkina Faso		2007				2006	
Cambodia	2006, 2007, 2008, 2009				2009		
Cameroon				2008		2008	2008
Cape Verde						2006	
Chad	2006						
Colombia							2006
Comoros	2010						
Costa Rica	2006, 2007	2008		2007	2006, 2007		2006, 2007
Côte d'Ivoire		2007		2006		2007	2006
Dominican Republic				2009			
Ecuador	2009			2009	2009	2009	
Egypt	2005		2006				
El Salvador	2007			2006	2006, 2007		
Ghana				2009			
Guinea-Bissau	2009						

Requestor/ beneficiary	Activities related to drafting or reviewing of laws and policies	Peer reviews and follow up	Institution- building	Advocacy activities	Consumer protection	Training of local officials	Regional and subregional cooperation activities
Indonesia		2009				2006, 2009	2006
Iraq						2009	
Jamaica		2007				2006, 2007	2006
Jordan							
Kenya							
Korea, Republic of	2005		2006			2006, 2006	2006
Lao People's Democratic Republic				2006	2009		2006
Lesotho				2006	2006		
Malawi	2009	2009			2009		
Malaysia			2005			2005, 2006	
Mali	2006				2005		2005
Mozambique		2007					
Namibia	2006			2005		2005, 2006	
Nicaragua							
Niger	2006,2007				2007	2006	2006, 2007
Oman		2007				2006	
Paraguay						2009	
Peru	2006	2009		2006	2006	2009	
Romania	2007			2006	2006, 2007		2007
Rwanda				2005			
Sao Tome and Principe	2008, 2009, 2010			2008, 2009			
Saudi Arabia	2009, 2010			2009		2006	
Senegal	2006		2006, 2007			2007	
South Africa		2007				2006	2007
Saint Lucia	2007	2007		2006			2006
Sudan							
Swaziland	2006					2009	
Syrian Arab Republic	2006	2009					2007
Timor-Leste				2009			
Tanzania, United Republic of							

Requestor/ beneficiary	Activities related to drafting or reviewing of laws and policies	Peer reviews and follow up	Institution- building	Advocacy activities	Consumer protection	Training of local officials	Regional and subregional cooperation activities
Togo							
Trinidad and Tobago		2007		2007		2006, 2007	2006, 2009
Tunisia	2007		2006	2007			2010
Turkey	2006					2007, 2009	
Uganda							
Ukraine	2006					2005	
Uruguay		2009					
Viet Nam							
Zambia							
Zimbabwe							
CARICOM*						2005	2005, 2006
CEMAC*****							
COMESA**							
OECS***	2005						
SACU****	2006						2006
WAEMU*****	2007						2007
		2007				2006, 2007	2006, 2007

* Caribbean Community.

** Common Market for Eastern and Southern Africa.

*** Organization of Eastern Caribbean States.

**** Southern African Customs Union.

***** West African Economic and Monetary Union.