



UNCTAD's work in the fields of Competition and Consumer protection

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Why Competition and Consumer Protection matter?

Competition

To promote economic efficiency through open and dynamic markets, where companies invest and innovate

To achieve economic growth and consumer welfare

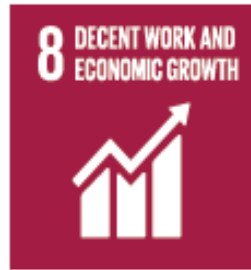
Consumer Protection

Ensures access to non-hazardous products, enables informed consumers' choice, prevents unfair commercial practices, provides dispute resolution and redress.

Empowered consumers play an active role in the market and contribute for sustainable economic development.



AGENDA 2030 - Relevant Sustainable Development Goals for Competition and Consumer Policies



- **Goal 8: Decent Work and Economic Growth** - *Building productive capacity creates decent jobs and fosters sustainable growth.*
- **Goal 9: Industry, Innovation and Infrastructure** - *Transforming economies, tackling vulnerability and building resilience call for an integrated approach to industry, innovation and infrastructure.*
- **Goal 10: Reduced inequalities** - *Shared prosperity for all will require reduced inequalities and improved international economic governance.*
- **Goal 12: Responsible Consumption and Production** - *Ensure sustainable consumption and production patterns*
- **Goal 17: Partnerships for the Goals** - *A strengthened and revitalised global partnership.*

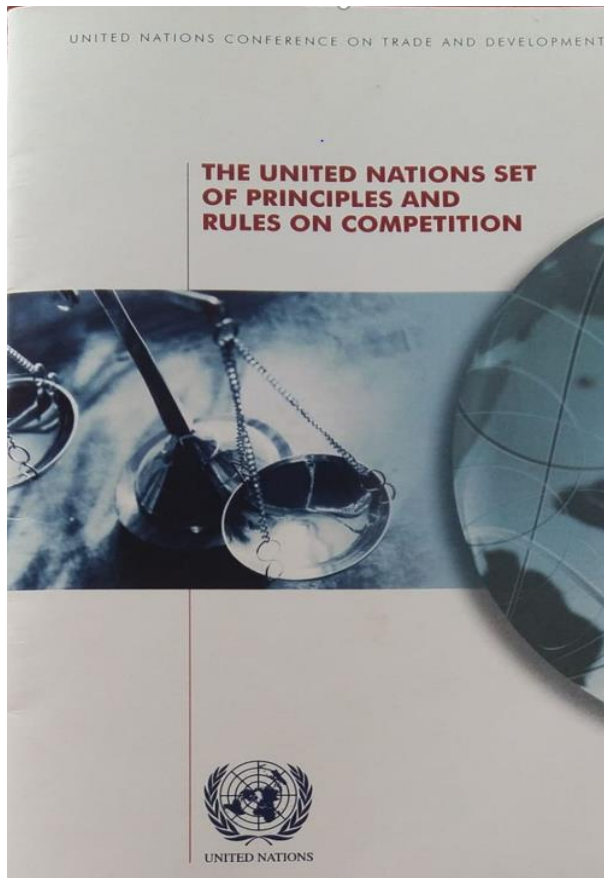


UNCTAD's mandate and pillars of work

- UN body responsible for dealing with economic and sustainable development issues with a focus on trade, finance, investment and technology - *Prosperity for All*;
- 194 member States;
- *Think, Debate, Deliver* - to assist developing countries in better participating in the global economy
- Focal point for **Competition and Consumer Policies** within the UN system;
- 3 pillars
 - **Consensus building** - Intergovernmental deliberations
 - **Research and analysis**
 - **Technical Cooperation:** Assistance/Capacity building

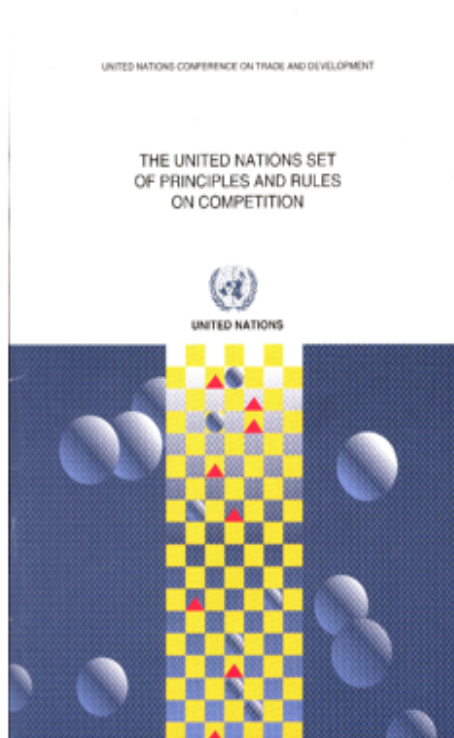


UNCTAD is the focal point for Competition law and policy since 1980 and for Consumer protection law and policy since 2015, within the UN system



- Competition law and policy -

UNITED NATIONS Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (1980)



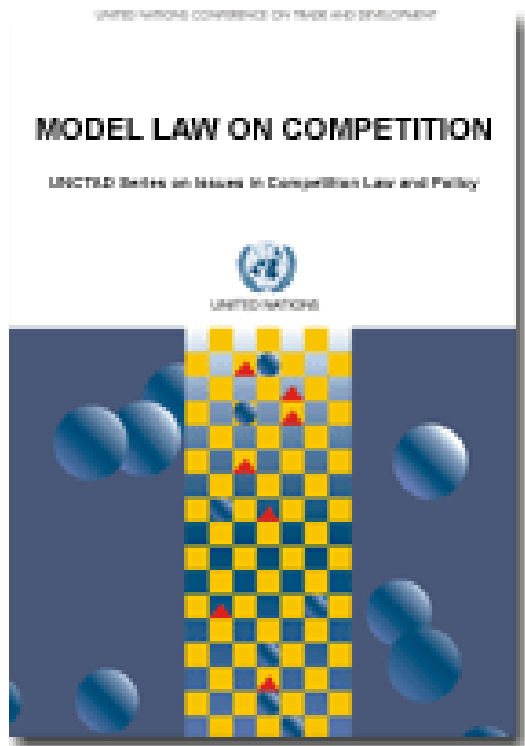
The only internationally agreed instrument in the field of Competition
(General Assembly Resolution 35/63
of 5 December 1980)

Scope:

- Rules for the control of anticompetitive practices,
- The development dimension of competition law and policy,
- Framework for international cooperation and exchange of best practices.



- Competition law and policy (2) -



UNCTAD Model Law on Competition (1993): *substantive possible elements for a competition law, commentaries and alternative approaches in existing legislations.*

It includes 13 chapters covering key provisions (definitions, scope, relationship with sectoral regulators, institutional aspects - functions, powers, sanctions, appeals, action for damages).

Plus a Part 2 with commentaries provided by member States' reports, which are regularly revised for update.



Consensus Building

UNCTAD

UNCTAD Ministerial Conferences - every 4 years

Last Conference - 2016, UNCTAD XIV, Nairobi, K:
Review of UNCTAD Mandate and prioritisation of work

Competition
and
Consumer
Policies
Branch

Conferences to review the UN Set on Competition - every 5 years:

To assert the usefulness of the UN Set on Competition and revise UNCTAD's Competition mandate.

Annual Intergovernmental Group of Experts (IGE) meetings on Competition law and policy and on Consumer protection law and policy:

-To evaluate the work program on Competition and Consumer protection and to update the areas of focus

7th. Review Conference of the UN Set on Competition (2015)

Four clusters of issues for work:

- (i) Competition and inclusive and sustainable development;*
- (ii) Best practices in the design and enforcement of Competition law and policy and its interaction with Consumer protection;*
- (iii) The provision of capacity-building and technical assistance;*
- (iv) International cooperation and networking.*

8TH. Review Conference (2020)

- The first formal reporting on Consumer protection;
- Highlight - international cooperation in Competition law enforcement focusing on developing countries;
- Topics: Digital economy, Competition neutrality
- Work programme for the following 5 years.



Research and Analysis

Some recent papers and studies of relevance:

- ❖ Competition issues in the digital economy (TD/B/C.I/CLP/54, 1/05/2019);
- ❖ Competition issues in the sale of audiovisual rights for major sporting events (TD/B/C.I/CLP/50, 2 May 2018);
- ❖ Challenges faced by developing countries in competition and regulation in the maritime transport sector (TD/B/C.I/CLP/49, 2 May 2018);
- ❖ Enhancing legal certainty in the relationship between competition authorities and judiciaries (TD/B/C.I/CLP/37, 17 August 2016);
- ❖ "The role of competition policy in promoting sustainable and inclusive growth" (TD/RBP/CONF.8/6, 27 April 2015);
- ❖ "The impact of cartels on the poor" (TD/B/C.I/CLP/24/Rev1, 24 July 2013);
- ❖ Competition policy and public procurement (TD/B/C.I/CLP/14, 24 April 2012);
- ❖ "Public monopolies, concessions, and competition law and policies" (TD/B/C.I/CLP/2, 28 April 2009).



UNCTAD TECHNICAL COOPERATION

- **COMPAL** (17 Latin America countries), since 2003: Competition and Consumer Protection;

- **MENA** programme (8 Middle East/North African countries): Competition and Consumer Protection (2015-2018);

- **ASEAN** countries. Consumer protection (since 2016)

- **Sofia Competition Forum** (10 Balkan countries): partnership with BG Comp Commission - Competition.

- **UEMOA/WAEMU** (West African Economic and Monetary Union, 8 countries): Competition;

- **CEMAC** (Central West Africa, 8 countries): Competition and Consumer Protection
- (2017-2019).

- **Zimbabwe:** Competition (2014-2016);
- **Albania:** Competition (2014-2016);
- **Tanzania:** Competition (2017-2018);
- **Ethiopia:** Competition and Consumer Protection (2015-2018).



RECENT TECHNICAL COOPERATION PROJECTS

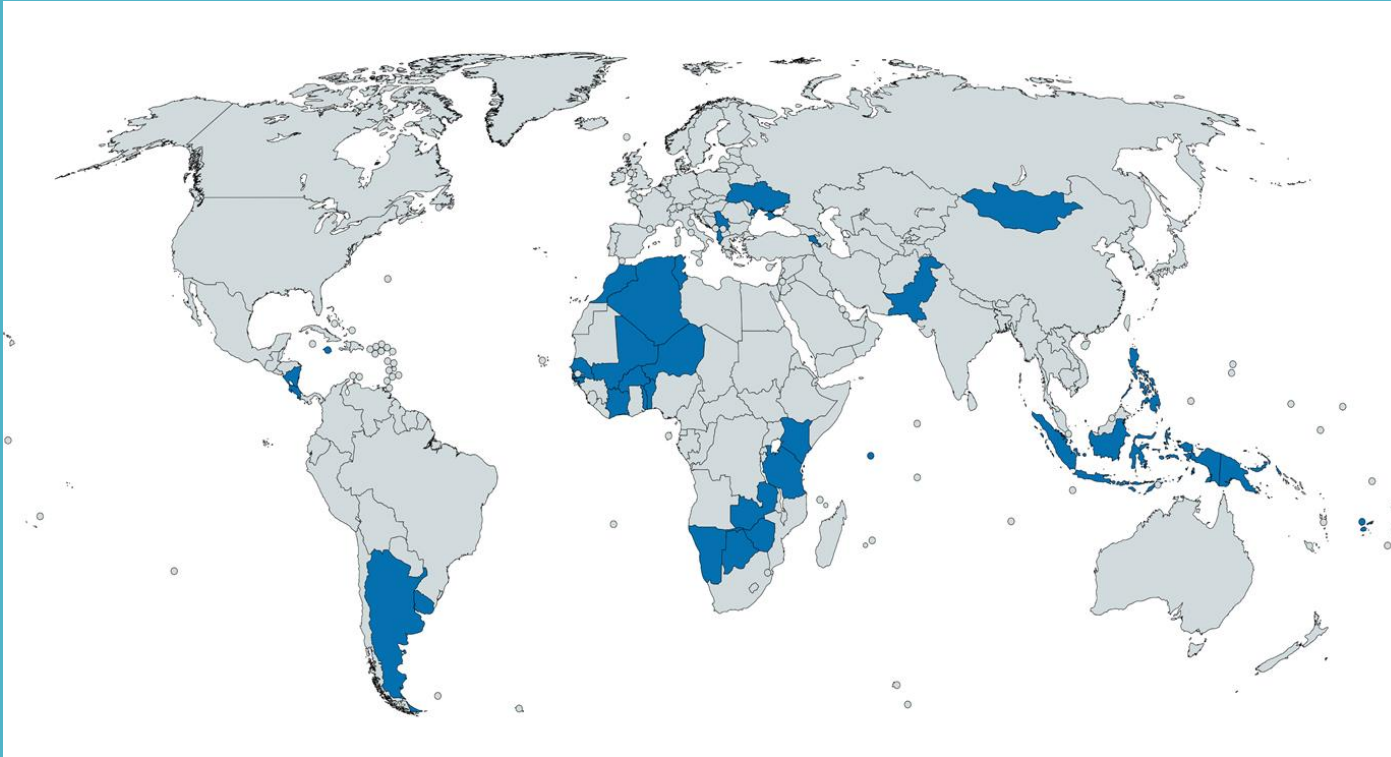
In 2018/9 we maintained our wide coverage to foster
COMPETITION & CONSUMER PROTECTION



Projects financially supported by Switzerland, Sweden, European Union, ASEAN Secretariat, GIZ (Germany), Luxembourg,

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD



Countries that have undertaken Peer Reviews with UNCTAD since 2005 (28)

UNCTAD MENA Technical cooperation Programme objectives

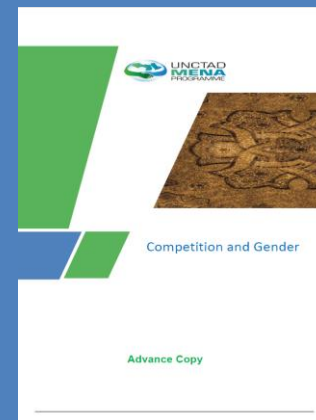
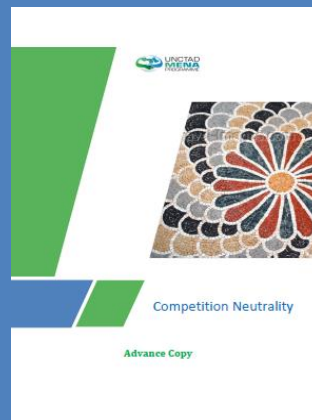
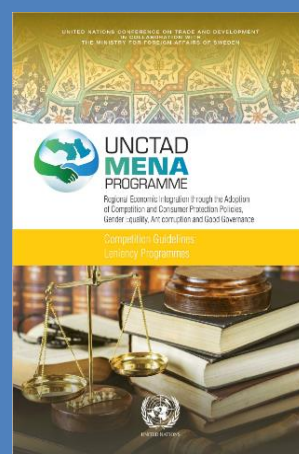
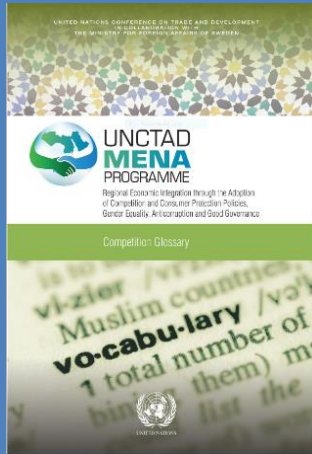
- 1. and 2. Improved Competition and Consumer Protection laws and policies as tools for regional economic integration in the MENA region.*
- 3. Creating an enabling regional environment for private sector development through Competition and Consumer Protection laws and policies.*
- 4. Competition Neutrality principles dissemination and increased awareness.*
- 5. Expanded regional focus (including relevant stakeholders).*



Achievements in the field of Competition law and Policy

1. **Advisory services: drafting the Competition law of Palestine; Revising the Competition law of Algeria;**
2. **Guidelines/Reports on**
 - **Competition Glossary;**
 - **Good Governance - Independence and Transparency;**
 - **Competition Agency Structure and Effectiveness;**
 - **Competition Business Compliance;**
 - **Leniency programmes;**
 - **Competitive Neutrality;**
 - **Gender and Competition**

REPORTS



Achievements (2)

3. Regional Training Centers for Competition: Tunis, Tunisia (2016) - French and Arabic; Cairo, Egypt (2018) - English

4. Training workshops

- national scope: Palestine (2016); Lebanon (2016); Algeria (2017);
- regional scope: Tunisia - Law enforcement and investigative tools related to cartels, abuse of dominant position and merger control (2016); Competitive neutrality dissemination and case-studies on the definition of relevant market and market power (2017); Agency structure and Business compliance; Competition and Public Procurement (2018).

5. Participation of MENA Competition Authorities' beneficiaries in the Zurich School of Management (ZHAW) Course in International Competition Law and Compliance - CAS - Certificate of Advance Studies -, in Geneva and in the Cairo Training Center (2018).

Achievements (3)

6. Four study-visits to more experienced authorities - Austria; France; UK (2016 and 2017).

7. Increased participation/intervention of MENA representatives in the international Competition frameworks (Euro Mediterranean Competition Forum; Arab League's Competition meetings; Africa Competition Forum; UNCTAD IGE meetings and joint JFTC Training Workshop for Competition Case Handlers).

8. MENA programme Web Platform: for sharing Competition information and best practices, training modules and decisions/rulings databases. <https://unctad.mena.org>.

9. *Train-the-Trainers* Modules on Competition law and policy key topics.

10. Cooperation instrument between Universities of MENA countries for teaching, training and disseminating Competition research.



THANK YOU!

<http://unctad.org/en/Pages/DITC/CompetitionLaw/Competition-Law-and-Policy.aspx>

