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on Trade and Development**

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**Seventh United Nations Conference to Review All Aspects
of the Set of Multilaterally Agreed Equitable Principles and
Rules for the Control of Restrictive Business Practices**
Geneva, 6–10 July 2015

**Report of the Seventh 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 at the Palais des Nations, Geneva, from 6 to 10 July 2015

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Contents

	<i>Page</i>
I. Resolution adopted by the Conference	3
II. President's summary	7
A. Opening statements	7
B. Summary of sessions	7
1. Session I: Ways and means to strengthen competition law enforcement and advocacy.....	8
2. Session II: Role of competition in the pharmaceutical sector and its benefits for consumers.....	9
3. Session III: International cooperation in merger cases as a tool for effective enforcement of competition law	10
4. Session IV: Report of the work of the ad hoc expert meetings, including the proposal for the revision of the United Nations Guidelines for Consumer Protection.....	12
5. Session V: Review of the implementation of the Set, including consultations on revised chapters I, IV, VIII, XI and XIII of the UNCTAD Model Law on Competition.....	13
6. Session VI: Capacity-building activities and an evaluation of UNCTAD voluntary peer reviews.....	14
7. Bipartite voluntary peer review of competition law and policy in Fiji and Papua New Guinea	16
8. Voluntary peer review of competition law and policy in Albania.....	17
9. High-level round table: Role of competition policy in promoting sustainable and inclusive growth and development.....	18
III. Organizational matters	20
Annexes	
I. Provisional agenda for the fifteenth session of the Intergovernmental Group of Experts on Competition Law and Policy	22
II. Attendance	23

I. Resolution adopted by the Conference

The Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Having reviewed all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, 35 years after its adoption, and recognizing the positive contribution made by the Set and by the Intergovernmental Group of Experts on Competition Law and Policy in promoting competition culture,

Noting the changes that have taken place in the world economy, as well as the reforms that developing countries and countries with economies in transition have made over the last 35 years, including the liberalization of economies and the development of competition,

Reaffirming the resolutions on strengthening the implementation of the Set adopted by the previous six United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices,

Noting with appreciation the work on consumer protection carried out since the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices by the various ad hoc expert meetings on consumer protection regarding the revision of the United Nations Guidelines for Consumer Protection,

Taking note of the decision taken by the thirteenth session of the United Nations Conference on Trade and Development in paragraphs 50 and 56 (m) of the Doha Mandate that “The objective of competition policy is to create and maintain a competitive environment by eliminating anticompetitive practices. States are encouraged to consider establishing competition laws and frameworks in coherence with their national development strategies” and that UNCTAD should “Conduct analysis and research and help developing countries and countries with economies in transition to formulate and implement competition and consumer protection policies, promote the sharing of best practices, and carry out peer reviews with regard to the implementation of such policies”,

Fundamental role of competition law and policy

1. *Reaffirms* the fundamental role of competition law and policy for economic development and recommends the continuation of the important work programme within UNCTAD’s intergovernmental machinery that addresses competition law and policy issues, and proceeds with the active support and participation of competition law and policy authorities of member States;

2. *Calls upon* all member States to strive to efficiently implement the provisions of the Set, given that a rigorous application of competition policy is important to guarantee well-functioning markets, which is in turn necessary for the efficient use of resources, economic development and social well-being;

3. *Calls upon* member States to increase cooperation between their competition authorities and Governments in order to strengthen, for the benefit of all countries, effective international action against anticompetitive practices as covered by the Set, especially when these occur at the international level, recognizing such cooperation as particularly important for developing countries and countries with economies in transition;

4. *Recommends* the strengthening of the work programme within UNCTAD’s secretariat and intergovernmental machinery that addresses competition law and policy

issues, and proceeds with the active support and participation of competition law and policy authorities of member States;

Documentation

5. *Takes note with appreciation* of the documentation prepared by the UNCTAD secretariat for the Conference: TD/RBP/CONF.8/2, TD/RBP/CONF.8/3, TD/RBP/CONF.8/4, TD/RBP/CONF.8/5, TD/RBP/CONF.8/6, TD/RBP/CONF.8/7, TD/RBP/CONF.8/8, TD/RBP/CONF.8/9, TD/RBP/CONF.8/10, UNCTAD/DITC/CLP/2015/1 and UNCTAD/DITC/CLP/2015/2;

UNCTAD voluntary peer reviews of competition law and policy

6. *Underlines* the value of the UNCTAD voluntary peer reviews as a useful tool for the exchange of experiences and cooperation, at both the national and regional levels, and invites member States to assist UNCTAD on a voluntary basis by providing experts or other resources for future activities in connection with these reviews;

7. *Decides* that UNCTAD should undertake:

(a) Further voluntary peer reviews of competition law and policy in member States or regional groupings, alongside sessions of the Intergovernmental Group of Experts on Competition Law and Policy;

(b) Follow-up peer review activities in light of the positive evaluations, feedback and recommendations made during the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, particularly in the following reports:

(i) External evaluation of UNCTAD peer reviews on competition policy (UNCTAD/DITC/CLP/2014/5);

(ii) UNCTAD peer review mechanism for competition law: 10 years of existence (UNCTAD/DITC/CLP/2015/4);

Model Law on Competition

8. *Takes note in particular* of the revised Model Law and its commentary as an important guide to the economic development and competition approaches followed by different countries on various points;

9. *Requests* the UNCTAD secretariat to continue to revise periodically the commentary to the Model Law in the light of legislative developments and comments made by member States, for consideration by future sessions of the Intergovernmental Group of Experts on Competition Law and Policy, and to disseminate widely the Model Law and its commentary as revised;

Technical cooperation

10. *Endorses* the UNCTAD secretariat's newly adopted global strategy as a response to increased needs for technical cooperation and assistance across both public and private sectors for all developing countries, particularly among small island developing States, landlocked developing countries and other structurally weak, vulnerable and small economies and countries with economies in transition.

11. *Requests* UNCTAD, in implementing the new global strategy, to:

(a) Conduct, in consultation with relevant organizations and technical assistance providers, a review of technical cooperation activities, to avoid duplication and encourage providers and recipients of technical cooperation to recognize the results of the substantive work of UNCTAD;

(b) Target cost-effectiveness, complementarity and collaboration among providers and recipients of technical cooperation, in terms of both the geographical focus of activities and the nature of cooperation undertaken;

(c) Identify priority areas and issues of competition law and policy for the implementation of technical cooperation activities, including problems for consideration and action within regional and subregional settings;

(d) Widen the search for potential donors and mobilize resources for long-term strategic interventions;

UNCTAD Research Partnership Platform on Competition and Consumer Protection

12. *Recognizes* the fundamental role of the Platform in strengthening UNCTAD's research and policy analysis capacities, and the extensive growth of the Platform, in terms of projects and participants, since its establishment in 2010;

Consumer protection

13. *Invites* the General Assembly of the United Nations, at its seventieth session in 2015, to consider the adoption of the draft resolution on consumer protection and the revised United Nations Guidelines for Consumer Protection as annexed to the present resolution;*

14. *Requests* the Trade and Development Board of UNCTAD to take note of the draft resolution on consumer protection and the revised United Nations Guidelines for Consumer Protection as annexed to the present resolution;*

15. *Invites* UNCTAD to convene yearly ad hoc expert meetings on consumer protection until the establishment of an Intergovernmental Group of Experts on Consumer Protection Law and Policy;

Strengthening common ground in competition laws and policies

16. *Decides* that the Intergovernmental Group of Experts on Competition Law and Policy should continue, upon request by member States and in collaboration with national and regional competition law and policy authorities, to further strengthen capacities among and between member States to identify anticompetitive practices that affect economic development and that this exercise should, inter alia, focus on:

(a) Identifying common ground, that is broad similarities in the approaches towards different competition law and policy questions by governments;

(b) Highlighting and encouraging exchanges of views in areas where identification of common ground is difficult, for example where differences exist between economic theories or among competition laws or policies;

(c) Analysing in depth the effectiveness of enforcement of competition laws, including enforcement in cases of multinational anticompetitive practices;

(d) Identifying appropriate measures to assist developing countries and countries with economies in transition that might be hampered by anticompetitive practices;

UNCTAD work programme support

17. *Invites* member States in a position to do so to support the implementation of the activities outlined in this resolution and, in this respect, expresses its appreciation and

* The annex is provided in document TD/RBP/CONF.8/11/Add.1.

gratitude to those member States and organizations that have provided financial contributions;

18. *Invites* intergovernmental organizations and financing programmes and agencies to provide resources for the activities mentioned in this resolution;

Informal consultations for future sessions of the Intergovernmental Group of Experts on Competition Law and Policy

19. *Reaffirms* that future sessions of the Intergovernmental Group of Experts should include four clusters of issues for informal consultations, with special focus on practical cases, namely:

- (a) Competition and inclusive and sustainable development;
- (b) Best practices in the design and enforcement of competition law and policy and its interaction with consumer protection;
- (c) Provision of capacity-building and technical assistance;
- (d) International cooperation and networking;

20. *Outlines* the following topics for proposed informal consultations during the fifteenth session of the Intergovernmental Group of Experts:

- (a) Examining the interface between the objectives of competition policy and intellectual property;
- (b) Enforcing competition policy in the retail sector;
- (c) Enhancing legal certainty in the relationship between competition authorities and judiciaries;
- (d) Strengthening private sector capacities for competition compliance;

21. *Invites* governments, during future consultations in meetings of the Intergovernmental Group of Experts, to clarify the scope or application of their competition laws and policies, with a view to improving mutual understanding of substantive principles and procedures of competition law and policy. In this context, governments may wish to discuss:

- (a) How competition law and policy should apply to State activities such as the regulation of State enterprises, State monopolies, natural monopolies and enterprises with exclusive rights granted by the State;
- (b) The contribution of competition policies in reducing all forms of poverty in the context of the post-2015 development agenda;

Further review of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

22. *Recommends* that the General Assembly convene an 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, to be held in Geneva, under UNCTAD auspices, in the year 2020.

*Closing plenary meeting
10 July 2015*

II. President's summary

A. Opening statements

1. The following speakers made opening statements: the Deputy Secretary-General of UNCTAD; the representative of the Philippines; the representative of the Dominican Republic; the representative of Pakistan; and the representative of Peru.
2. The Deputy Secretary-General emphasized that competition policy made for more efficient markets and more efficient governance. Expanded market opportunities had not always created desired outcomes, especially in less mature markets, such as in developing countries. Competition policy was therefore needed to ensure sustained trust in structural reforms, and was also relevant for the fulfilment of sustainable development goals.
3. One delegate commended the outcome of the UNCTAD voluntary peer reviews of competition law and policy undertaken in 2013 at the thirteenth session of the Intergovernmental Group of Experts on Competition Law and Policy. Another delegate outlined the importance of the peer review process. As an example, the recommendations made during the peer review of competition law and policy in the Philippines, undertaken in 2014 at the fourteenth session of the Intergovernmental Group of Experts, had led to the adoption of a comprehensive competition law in the legislative agenda of the national parliament. The delegate recognized the need to update existing legislative mechanisms on consumer protection, and highlighted that competition policy could contribute to sustainable and inclusive growth and development.
4. Another delegate stressed the importance of fostering competition culture and education within public sector entities, as well as civil society, and that developing countries required international cooperation to ensure the benefits of competition reached end-consumers. Finally, another delegate emphasized that competition was essential for economic development in terms of linkages with free trade policy and, noting current UNCTAD engagement on consumer protection issues, urged delegates to provide support and due consideration during discussions on the review of the United Nations Guidelines for Consumer Protection and in future work on consumer protection in the United Nations.

B. Summary of sessions

(Agenda item 6)

5. Under the agenda of the Conference, six sessions were held, addressing the following: ways and means to strengthen competition law enforcement and advocacy; role of competition in the pharmaceutical sector and its benefits for consumers; international cooperation in merger cases as a tool for effective enforcement of competition law; report of the work of the ad hoc expert meetings, including the proposal for the revision of the United Nations Guidelines for Consumer Protection; review of the implementation of the Set, including consultations on revised chapters I, IV, VIII, XI and XIII of the UNCTAD Model Law on Competition; and capacity-building activities and an evaluation of UNCTAD voluntary peer reviews. For each session, background papers were presented by the secretariat and related discussions were held. Also under the Conference agenda, two sessions were convened for the peer reviews of competition law and policy in Albania, Fiji and Papua New Guinea, and a high-level round table was held on the role of competition policy in promoting sustainable and inclusive growth and development.
6. The present account of the Conference, prepared under the responsibility of the President, is a summary of the main points from each session, including keynote speeches and presentations by discussants, interventions and written contributions.

1. Session I: Ways and means to strengthen competition law enforcement and advocacy

7. The keynote speakers and discussants for the first session were from the Governments of Nicaragua, the Russian Federation, South Africa and Viet Nam and an academic from the United Kingdom of Great Britain and Northern Ireland.

8. The session launched the discussion of the paper “Ways and means to strengthen competition law enforcement and advocacy” (TD/RBP/CONF.8/5).

9. The keynote speaker addressed three areas, namely goals, communications and impact assessments. With regard to goals, the speaker stressed that competition policy could not be pursued in isolation, that agencies should be able to translate abstract goals into operational goals and that goals should be formulated together with relevant stakeholders to ensure inclusiveness. In particular, goals should be aligned to the capacity of an agency, while taking into account the opportunity costs of other competition goals and resources available. In this regard, a benchmarking toolbox could be used to measure agency capacities. Communications could be internal (for example, efficiency considerations of staff) or external (for example, advocacy). The speaker emphasized the need to focus on external communications as a means to assist with actual and perceived agency impact. Finally, with regard to impact assessments, the speaker underlined the importance of determining the actual impact of an agency while understanding its costs. A clear, transparent and consistent sequence was crucial to this exercise. In the dynamic process of establishing goals, values and domestic realities (for example, budgets and political environments) played a pivotal role.

10. The ensuing interactive debate outlined the diversity of institutional design in the competition systems of Nicaragua, the Russian Federation, South Africa and Viet Nam. The debate was structured on the three areas noted by the keynote speaker.

11. With regard to goals, the discussants highlighted experiences related to how the core goals of competition law had been clarified through factual competition cases, including goals such as ensuring consumer choice, innovation and lower prices; protecting the process of competition and rivalry; and controlling the exercise of economic power by preventing monopolies, punishing cartels and remedying market failures. In South Africa, for example, goals were in place related to other public policy objectives such as the promotion of employment, well-functioning markets, fairness and opportunities for participation by small and medium-sized enterprises. The discussants also shared experiences related to goal setting, best practices and meeting the wider political goals of their Governments. In Nicaragua, for example, two aspects were involved: the programme and internal work, whereby an agency took into account what types of objectives had an impact in key markets; and reactive efforts, based on external work by economic agents. The agency had at times to address unfair competition cases, to meet the expectations of key economic agents, as well as requests from the central Government on specific topics such as, among others, factors that might influence the base salary in the country. There was consensus among the discussants that competition policy could not be pursued in isolation, without reference to the legal, economic, political and social context, and that the politicization of competition law and policy was a reality that agencies should be aware of. Agencies had to take action to mitigate this externality.

12. With regard to communications, the discussants focused on, among others, agency teams involved in strategy design, transparency, clear statements with regard to evaluation tools and goals to be achieved by staff and other stakeholders, empowerment of teams (for example by encouraging ownership) and feedback loops to enhance creativity and motivation. In the Russian Federation, for example, the competition agency had over 3,000 employees, 25 independent departments and 84 regional offices. Internal communications had been a challenge successfully overcome through the following

mechanisms: cross-department case examinations; two-way communications of staff via an internal portal; unified enforcement across all regional offices; and provision of staff incentives in a system of promotion based on meritocracy. Finally, the discussants shared experiences related to external communications, in particular how agencies identified their stakeholders and the objectives of external communications, to ensure agency work led to significant, real world, practical benefits for consumers and clear and sound enforcement records.

13. The discussants stressed the importance of assessing the impact of agency actions and using shared quantitative and qualitative benchmark indicators for assessing the impact of competition decisions on the economy. One discussant highlighted the example of the peer review of competition law and policy in Nicaragua in 2013, which had addressed underlying constraints in the agency's capacity.

2. Session II: Role of competition in the pharmaceutical sector and its benefits for consumers

14. The keynote speakers and discussants for the second session were from the Governments of China, Italy, South Africa and the United States of America and an academic from the United Kingdom.

15. The session launched the discussion of the paper "The role of competition in the pharmaceutical sector and its benefits for consumers" (TD/RBP/CONF.8/3).

16. The keynote speaker discussed whether antitrust law should be used to police shortcomings in patent policy or the regulatory regime in the pharmaceutical sector. The speaker divided anticompetitive strategies to block or delay the development or market access of generic products by originator companies into the following categories: conduct within the boundaries of an original patent (for example, evergreening); conduct outside the boundaries of an original patent (for example, product hopping); and conduct taking place towards the end of the patent protection period but with consequences materializing after the patent had expired (for example, pay-for-delay agreements). The speaker suggested that competition authorities should concentrate on product hopping.

17. The interactive debate was initiated by a discussant who provided an overview of the pharmaceutical sector in South Africa, including key competition cases and recent developments in intellectual property policy and their relation to competition promotion. Greater amounts of generic medicines were consumed in South Africa than those of originator companies, yet more money was spent on the latter. Intellectual property issues related to excessive pricing and exclusive conduct had been raised in one case regarding an antiretroviral medicine. Intervention by the authority had achieved a compromise leading to a 68 per cent drop in price and a significant lowering of the price of generic versions of the medicine. Since 2013, the Government had been engaged in reform of the intellectual property system, to promote competition by making the earlier entry of generic products more viable. The authority's assessments did not view intellectual property rights as being beyond competition scrutiny. Rather, the exploitations of such rights were assessed against competition principles and their benefits to end-consumers.

18. The next discussant provided an example of pricing system reform in the pharmaceutical sector in China. The authority's strategy involved declaring the sector as a priority for competition enforcement and promoting collaboration between price regulation and competition policy and linkages between competition enforcement and advocacy.

19. Another discussant addressed the interface between patent law and competition law in the pharmaceutical sector and provided examples of competition enforcement in Italy, in particular a landmark case on problematic patent strategies by an originator company that had included evergreening, misuse of the medicine and patent regulatory system and

abusive litigation. The authority's decision and the final judiciary judgement had found the conduct illegal, stating that the abuse of rights did not suppose a formal infringement of laws but distorted the exercise of granted rights. The discussant concluded that both intellectual property and competition policies drove innovation. The abuse of intellectual property rights thus negated both competition and innovation and violated human rights.

20. The following discussant provided examples of competition enforcement against reverse payments, particularly under the Drug Price Competition and Patent Term Restoration Act in the United States. The discussant noted that the market changed quickly to generic products when these were made available and that consumers had saved \$931 billion since entry into force of the Act. In reviewing various antitrust cases related to pharmaceuticals, the discussant stressed that pay-for-delay agreements should be analysed under the rule of reason. The scope of patent rights excluded conduct involving the use of monopoly profits to pay competitors to stay out of the market.

21. The representative of a regional group noted that the misuse of regulatory procedures to exclude competitors and payments to competitors to keep them out of the market at the expense of citizens were distortions of effective competition unrelated to the legitimate protection of intellectual property. The representative emphasized that competition from generic products was a dynamic force for stimulating pharmaceutical companies to invest in the research and development of innovative treatments.

22. One delegate provided an example of current action against bid rigging in public procurement and merger review cases in the pharmaceutical sector in India. Another delegate presented a paper addressing the behaviour of originator companies and the scope of competition law in dealing with associated problems. Some delegates discussed the use of illicit rebates in the pharmaceutical sector and an example was provided of competition law in the Republic of Korea, where illicit rebates were one category of unfair competition practices made against competitors. Another delegate presented the results of an assessment of the affordability of pharmaceuticals based on an analysis of consumer prices and price setting in the Russian Federation and other comparable markets, including in Brazil, China, India and South Africa, as well as members of the Commonwealth of Independent States and European Union. The representative of an intergovernmental organization and the representative of a non-governmental organization advocated the use of compulsory licensing.

3. Session III: International cooperation in merger cases as a tool for effective enforcement of competition law

23. The keynote speakers and discussants for the third session were from the Governments of Germany, Kenya, the Republic of Korea and the United States and from the Common Market for Eastern and Southern Africa and the World Bank.

24. The session launched the discussion of the paper "International cooperation in merger cases as a tool for effective enforcement of competition law" (TD/RBP/CONF.8/4). Both formal and informal cooperation between competition agencies were important for effective enforcement of competition law, particularly in merger cases.

25. The keynote speaker stressed that global mergers were increasing as companies went global and that even smaller mergers had multinational effects. Given limited resources, the speaker recommended that competition agencies focus on merger cases with strong impacts on the whole economy, and handle cases more efficiently and consistently through international cooperation. The speaker emphasized the need for merging parties to provide, as a key element, confidentiality waivers, to maximize the benefits of international cooperation. Finally, the speaker posited a positive outlook for future cooperation efforts, as agencies had already made great progress in international cooperation in the last decades,

including the publication by the International Competition Network of a guide for international cooperation in merger reviews.

26. The interactive debate was initiated by a discussant who highlighted the experiences of the Common Market for Eastern and Southern Africa in international cooperation and its success in establishing a formal legal framework that provided a mandate for cooperation among the 19 member States and encouraging informal cooperation and sharing information. The discussant emphasized that international cooperation had many benefits for competition enforcement, that good cooperation could only be based on mutual understanding of each other's legislation and that formal requirements should not undermine informal cooperation. The competition authority assisted member States with implementation, advocacy and enforcement, and bilateral agreements and memorandums of understanding had been signed with member States to facilitate cooperation efforts. Challenges faced by the Common Market for Eastern and Southern Africa included the need to invest in infrastructure, a lack of capacity to enforce competition law at the national level and the fact that some national legislation did not permit information sharing.

27. The next discussant highlighted the upward trend in international mergers, whereby international merger cases were increasingly surpassing domestic ones in open economies, such as in Kenya. Driving factors of cooperation included the fact that mergers were viewed in many instances as a source of foreign direct investment in the country. One example of cooperation was joint training, for example as conducted in Kenya with the Japan Fair Trade Commission. Existing challenges included different thresholds and timelines; inconsistency in economic analysis, market definitions and management of confidential information; and lack of a legal framework.

28. Another discussant suggested that competition agencies should maintain a reputation for protecting the confidential information of merging firms, as effective cooperation often depended on exchanging such information and firms were more likely to cooperate when confident about confidential treatment. To achieve a balance between cooperation and confidentiality, it was necessary to divide information into three types, namely information that was publicly available, information normally kept confidential but not protected by law (agency confidential) and information protected by law (party confidential). It was also important for merging firms to be notified as to how their confidential information would be protected. In this regard, the discussant emphasized that getting to know each other mattered and the most important instruments of cooperation were the telephone and e-mail.

29. The following discussant stressed the need to employ a two-phase review process in merger cases and use resources more effectively, and noted that merger control was increasingly seen as a key component of the competition law framework of supranational regional organizations such as the Caribbean Community, Common Market for Eastern and Southern Africa and European Union. There were four main aspects of merger control, namely establishing formal procedures, setting up an economic analysis framework, addressing institutional constraints and defining transactions for evaluation. Finally, the discussant highlighted useful areas for peer-to-peer learning, which types of mergers should be notified and examples of competition policy interventions at the macroeconomic level.

30. One delegate provided examples of the framework for international cooperation in merger review in Japan and of experiences in international merger cases, in particular a regional platform in East Asia and cooperation with and technical assistance provided to other agencies, particularly on merging procedures. Another delegate expressed gratitude to UNCTAD and countries that had provided assistance to Nicaragua, including Germany, Japan, Mexico and the United States. The representative of a regional group presented survey results that showed that more than 50 per cent of European Union merger cases required international cooperation and that even short-term informal cooperation led to the effective and efficient handling of cases. It was therefore important to immediately begin

contacting other agencies by telephone or e-mail. Finally, another delegate emphasized the importance of cooperation and that competition agencies should take full opportunity of cooperative activities available to them. However, given that confidentiality was a major issue in Africa, the delegate called upon African countries to address the issue of trust between agencies and enhance the exchange of information.

4. Session IV: Report of the work of the ad hoc expert meetings, including the proposal for the revision of the United Nations Guidelines for Consumer Protection

31. The Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practice had invited UNCTAD to convene expert meetings on the interface between competition policy and consumer welfare. The first meeting (12 and 13 July 2012) had addressed the interface between competition and consumer policies, and concluded that the United Nations Guidelines for Consumer Protection should be assessed to identify how they could help markets work better and evaluate their relevance and validity. A report on the implementation of the Guidelines had been discussed at the next meeting (11 and 12 July 2013), which had created, to propose a revision of the Guidelines, working groups on the following topics: e-commerce (chaired by France); horizontal issues (chaired by Portugal); financial services (chaired by Malaysia); implementation of the Guidelines (chaired by Gabon); and other issues (chaired by Brazil and Germany). An additional meeting (7 July 2014) had discussed the role of competition law and policy in fostering sustainable development and trade and concluded that the international trading system depended on the existence of effective national competition policies. The outcome of the work of the groups had been compiled in a report on modalities for the revision of the Guidelines, considered by the final meeting (22 and 23 January 2015) along with a preliminary draft resolution on consumer protection. Informal consultations with experts and permanent missions in March and June 2015 had led to a final draft resolution on consumer protection for consideration by the Seventh Review Conference. The key issues contained in the resolution were revision of the Guidelines through the addition of new text, establishment of an Intergovernmental Group of Experts on Consumer Protection Law and Policy and convening of ad hoc expert meetings until the establishment of this Intergovernmental Group of Experts.

32. Proposed revisions to the Guidelines were presented by the chair of each working group. The Chair of the ad hoc expert meetings held in 2013 and 2015, which had undertaken the majority of consultations on the proposals, highlighted the engagement of over 100 member States throughout the process. The Chair of the Working Group on E-commerce presented proposals for the provisions on e-commerce (paragraphs 63–65), which encouraged member States to update and review their legislative and institutional frameworks to accommodate the special features of e-commerce to ensure a level of protection no less than the one offered in other forms of commerce.

33. The Chair of the Working Group on Horizontal Issues stated that the outcome of the group's work had an impact on all provisions in the Guidelines, including new provisions related to scope and definitions (paragraphs 2–3), general principles (paragraph 5), good business practices (paragraph 11) and interaction with competition policies (paragraph 24). The Chair presented new text for the provisions related to dispute resolution and redress (paragraphs 37–41).

34. The Chair of the Working Group on Financial Services presented proposals on ensuring adequate financial consumer protection and encouraging financial literacy and inclusion (paragraphs 66–68), and stressed the importance of these provisions in promoting sustainable and inclusive development.

35. The Chair of the Working Group on Implementation of the Guidelines presented proposals for additional provisions on an adequate national framework for consumer protection (paragraph 14), international cooperation (paragraphs 82–90) and, in particular, establishment of an Intergovernmental Group of Experts on Consumer Protection Law and Policy (paragraphs 95–99), based on the successful precedent of the Intergovernmental Group of Experts on Competition Law and Policy, established in 1980. The functions of the proposed Intergovernmental Group of Experts were in line with the Doha Mandate.

36. The Chairs of the Working Group on Other Issues reported on outcomes related to consumer privacy (paragraphs 5 (k), 11 (e) and 14 (g)), energy (paragraph 76), public utilities (paragraph 77) and tourism (paragraph 78). The Chairs thanked the delegates and experts for reaching a consensus on these issues and welcomed the proposal for periodic revision of the Guidelines, in order to update them as new issues emerged.

37. The presentations were followed by a debate and subsequent consensus on the revision of the Guidelines. Two procedural options were open to the Conference in recommending the adoption of the proposals. One option was to submit the adoption of the draft resolution on consumer protection and revised Guidelines to the General Assembly and at the same time request the Trade and Development Board of UNCTAD to establish an Intergovernmental Group of Experts on Consumer Protection Law and Policy. The other option, which had been endorsed by member States during informal consultations held on 4 June 2015, was to submit both the resolution and revised Guidelines and decision on the establishment of an Intergovernmental Group of Experts to the General Assembly. The established institutional procedures for resolutions being recommended to the General Assembly included in particular a statement of programme budget implications to be submitted by the secretariat. The draft resolution on consumer protection contained proposals for activities that required detailed analysis and a review of the level of resources required to implement them. The requirements resulting from the adoption of the draft resolution would be met from resources to be approved by the General Assembly.

38. Many delegates expressed their preference for the second option, with one delegate expressing reservations. There was consensus among delegates on the text of the Guidelines as revised and on the importance of adopting the revised Guidelines as soon as possible to address twenty-first century challenges in the marketplace. In light of the discussions, the UNCTAD secretariat proposed the following conclusions: universal support for the revised Guidelines; consensus on support for the creation of an Intergovernmental Group of Experts on Consumer Protection Law and Policy; and preference of the majority of member States that the resolution from the informal consultations on 4 June 2015 be submitted to the General Assembly. Delegates agreed with these conclusions. The secretariat also suggested to proceed as agreed informally on 4 June 2015.

5. Session V: Review of the implementation of the Set, including consultations on revised chapters 1, IV, VIII, XI and XIII of the UNCTAD Model Law on Competition

39. The fifth session launched the discussion of the paper “Assessment of the application and implementation of the Set” (TD/RBP/CONF.8/2). The Set had been adopted 35 years previously and remained the only multilateral accepted framework on competition. In addition, the Set endorsed the preferential treatments of countries. At the national level, as at 2015, 122 countries had a competition law. Since the Sixth Review Conference in 2010, eight countries had adopted a new competition law. Many countries had also reformed their laws including, among others, Albania and Brazil. Finally, since 2010, the following 14 countries had undertaken voluntary peer reviews: Albania, Fiji, Mongolia, Namibia, Nicaragua, Pakistan, Papua New Guinea, the Philippines, Serbia, Seychelles, Ukraine, the United Republic of Tanzania, Zambia and Zimbabwe. The peer review process was dedicated to enhancing the quality and effectiveness of the competition

policy enforcement framework in member States. In this regard, the new methodology applied in the tripartite peer review of competition law and policy in the United Republic of Tanzania, Zambia and Zimbabwe was highlighted.

40. Ad hoc expert meetings on consumer protection had been held between 2012 and 2015, along with consultations on revision of the United Nations Guidelines for Consumer Protection. The annual meetings of the Intergovernmental Group of Experts on Competition Law and Policy were the main tool for advocating competition policy and the development dimension was a key aspect of the role of competition policy. The agreed conclusions of the consultations were implemented in the year following each meeting.

41. UNCTAD technical assistance and capacity-building included drafting competition and consumer policies, providing advisory services and facilitating voluntary peer reviews. The Competition and Consumer Protection in Latin America (COMPAL) capacity-building programme, entering its third phase, and a West African Economic and Monetary Union project were examples of success in regional cooperation and the peer-learning process. The COMPAL initiative continued to grow, and the term had been rebranded to refer to competition and consumer protection policies for all. The latest technical assistance project was COMPAL Global for the Middle East and North Africa. The project, with an initial term of four years and funded by the Swedish International Development Cooperation Agency, had five main objectives, namely to enhance competition and consumer protection in the region, provide assistance to the private sector, develop a regional strategy to adopt competition laws, respond to the specific needs of the countries involved and provide capacity-building activities. Finally, the UNCTAD Research Partnership Platform on Competition and Consumer Protection had been created in 2010 to support UNCTAD's research pillar. Its role was to provide and facilitate a global platform for research and action. The Platform had a wide variety of activities and a wide membership including, among others, non-governmental organizations, civil society and academia.

42. The UNCTAD Model Law on Competition, as a guide to drafting competition laws in developing countries, had been the reference point for many countries. The Model Law reflected the laws of member States and, as a network of laws from all regions and a depository of competition laws, served as the basis for the exchange of competition law information. The Model Law was regularly updated to reflect changes in competition laws and developments in the market. Its revision was guided by the need to introduce new elements from the competition laws of member States and new and revised laws, and to share best practices and case laws among member States. The last major revision had been undertaken during the Sixth Review Conference. Revisions had been undertaken in 2012 to chapter III on restrictive agreements or arrangements and chapter VIII on consumer protection. Consumer protection issues had been in discussion since then and, given current developments, it had been important to consider chapter VIII once more in 2015 (TD/RBP/CONF.8/L.3). Other current revisions were to chapter I on the objectives of the law (TD/RBP/CONF.8/L.1), chapter IV on the abuse of a dominant position (TD/RBP/CONF.8/L.2), chapter XI on sanctions and relief (TD/RBP/CONF.8/L.4) and chapter XIII on actions for damages (TD/RBP/CONF.8/L.5). Member States were invited to send their comments on the revised chapters by 31 August 2015.

6. Session VI: Capacity-building activities and an evaluation of UNCTAD voluntary peer reviews

43. The keynote speakers and discussants for the sixth session were from the Governments of Bulgaria, Indonesia, Latvia, Namibia, Nicaragua, Peru, Sweden, Switzerland and Zimbabwe and from the Advisory Group of Experts of COMPAL, Berwin Leighton Paisner, Organization for Economic Cooperation and Development and West African Economic and Monetary Union and an academic from the United States.

44. The session launched the discussion of two papers, “Capacity-building and technical assistance on competition and consumer protection law and policy: Review and outlook” (TD/RBP/CONF.8/7) and “Feedback for improving the efficiency of the application of UNCTAD voluntary peer reviews” (TD/RBP/CONF.8/10). The peer review process had, to date, provided competition authorities in 22 developing countries with an opportunity to undergo a process of self-evaluation. The session provided an overview of the process since its inception in 2005. Evaluation of the process would enable competition agencies and UNCTAD to identify areas of strength and weakness in their respective roles and where action was required.

45. Most discussants evaluated the peer review process positively and as beneficial, both to peer reviewed countries and as a platform to share experiences with other competition authorities. The discussants highly appreciated the technical assistance project proposals developed as part of peer reviews and follow-up activities. This aspect differentiated it from other reviews by making the recommendations practical and implementable. Some delegates of peer reviewed countries agreed that the recommendations were valuable and that implementation had been proceeding well, but that some activities could not be undertaken due to budget constraints or lack of support from other relevant agencies.

46. One discussant emphasized that peer reviews should consider the specific political and economic contexts of reviewed countries and another discussant added that it was necessary for reviewers to consult with country representatives to understand the entire economic framework. With regard to criteria for selecting a country, one discussant suggested that reviews should be conducted 5–10 years following establishment of a competition agency. A second review would be required after 10–20 years, for feedback on implementation of the recommendations made in the first review. Other discussants stressed that enforcement records should be considered, as well as the age of an agency, and highlighted in particular transparency, urgency and commitment as important criteria. Another discussant noted that there was no duplication between the UNCTAD peer reviews and the Organization for Economic Cooperation and Development mandatory peer reviews, and that the two organizations could create synergies in cooperating on following up on reviews. The role of peer reviewers in the process could be increased, as countries often learned more from peers than from experts.

47. Experiences gained by UNCTAD from capacity-building and technical assistance to developing and least developed countries were highlighted, especially under COMPAL in the last 12 years. One discussant emphasized that the COMPAL programme had greatly assisted Peru in moving the entire economy into more competitive markets. Another discussant stressed that the programme’s success had come from its level of organization, strong support from UNCTAD and the donor country and Peru’s commitment to implementing the recommendations.

48. Two discussants shared additional experiences with capacity-building and technical assistance provided by UNCTAD. For example, the peer review of competition law and policy Namibia in 2014 had identified capacity-building needs and the State had made improvements that included staff training, revisions of competition law and development of a long-term competition policy plan. Following the West African Economic and Monetary Union peer review in 2007, a memorandum of understanding had been signed with UNCTAD for cooperation on competition policy and economic policies to carry out institutional reform. One discussant highlighted as an example the success of a competition forum in Bulgaria, regularly organized since 2012 with UNCTAD, to assist countries in the Balkans in enhancing their capacities for implementing competition law. The discussants agreed on the need to encourage businesses, regardless of size and ownership (that is, public or private), to comply with competition law, although some countries did not have compliance programmes in their legal frameworks. The discussants emphasized the need

for regular communications with businesses through face-to-face meetings, workshops, media and publication of guidelines, to provide information on the benefits of compliance and penalties for violations, aiming to build mutual trust and respect. Finally, some discussants noted that agencies could more efficiently and effectively foster compliance by making advocacy efforts as well as by having strong enforcement and sanctions.

7. Bipartite voluntary peer review of competition law and policy in Fiji and Papua New Guinea

49. The bipartite voluntary peer review of competition law and policy in Fiji and Papua New Guinea was chaired by a delegate from Indonesia. Peer reviewers were from the Governments of India, Latvia, Namibia and Nicaragua.

50. The peer review started with a presentation of the main findings in the “Bipartite Voluntary Peer Review of Competition Law and Policy: Fiji and Papua New Guinea – Overview of Comparative Report” (TD/RBP/CONF.8/9) and “Bipartite Voluntary Peer Review of Competition Law and Policy: Fiji and Papua New Guinea – Comparative Report” (UNCTAD/DITC/CLP/2015/2). The presentation highlighted similarities between the two countries as developing, small and fragmented market economies. Both competition authorities had a wide mandate comprising competition, consumer protection and price regulation. The report had provided several recommendations on legal and institutional reform, including that the expansion of price regulation should be considered only after substantial investigation, with regular reviews to determine effectiveness and opportunities to revert to market mechanisms. The report had advised the proper consideration of amendments prior to their introduction, especially in areas in which there was little enforcement experience. Both jurisdictions were considering the criminalization of cartels, but this might be premature as potential disadvantages might outweigh deterrence advantages, due to the need for dual-track administrative and judicial procedures, which ultimately required higher burdens of proof and increased difficulty in operating leniency programmes. The report had suggested that both countries should strengthen the capacities of their judiciaries with regard to dominance of market power provisions, and had stated that the compulsory notification of mergers was not needed, as the small size of both jurisdictions ensured that significant mergers were known to the authorities without notification. With regard to enforcement, the report had advised expanding advocacy activities for businesses and consumers, through vibrant websites to increase awareness, emphasize risks and increase compliance. In particular, court enforcement in Papua New Guinea was a challenge, and it was therefore advisable to train the judiciary. Finally, the report had stated that it was important for the authorities to focus on a few key objectives, to ensure the fulfilment of core mandates, and had called for an increase in resources allocated to competition and for both countries to strengthen their ties informally, for example through joint training activities.

51. Fiji thanked UNCTAD for reviewing competition policy in Fiji and Papua New Guinea, as the first countries in the South Pacific to undergo such a review, and stressed commitment to reviewing the mandate of the competition authority to increase the country’s competitiveness and introducing a comprehensive competition policy.

52. Papua New Guinea reiterated the support of the Government to the work of the competition authority and presented the main features of the legal and institutional structure of competition in the State, emphasizing that in implementing the recommendations of the peer review, the State would focus on those that might yield the highest impact.

53. During the Fiji question-and-answer session, the need for international cooperation in investigating cartel cases was raised. Fiji stated that, to date, no enforcement action had taken place, but that capacity-building had begun to prepare for future action, particularly as Fiji had few competitors in a small economy with numerous trade associations.

With regard to support given by the Government to the competition authority, Fiji gave a positive response, noting a continuously growing caseload. With regard to the difficulties in balancing competition and price regulation, Fiji stated that the applicable scope of price regulation had been gradually reduced, while economic analysis from competition perspectives would play a more important role in enforcement across most sectors. Finally, with regard to retaining skilled staff, Fiji noted that talented people were retained through provision of attractive salaries, to maintain competitiveness with the private sector.

54. During the Papua New Guinea question-and-answer session, Papua New Guinea stated that a level playing field between State-owned companies and other businesses was ensured in the country. Papua New Guinea had initiated reform in the State-owned business regulatory system, and the results would guide future actions. With regard to links to consumer associations, Papua New Guinea stated that the establishment of consumer associations would be helpful for competition and consumer protection enforcement, taking into account the volume of consumer complaint cases received each year. Finally, with regard to housing competition and consumer protection within one institution, Papua New Guinea stated that these two policies complemented each other, as the former addressed the market and the latter redressed information asymmetry.

55. Fiji and Papua New Guinea were given the opportunity to ask specific questions of other competition authorities, with a view to benefiting from experiences in other countries. Questions posed related to practical experiences in the division of mandates, settlements and priorities for enforcement. The secretariat presented a proposal for technical assistance projects for both jurisdictions, to address the peer review recommendations, whose overall goal was to achieve a better business environment and a well-functioning market economy. Finally, both Fiji and Papua New Guinea expressed agreement with the recommendations and thanked UNCTAD for its guidance, expressing the need to maintain the momentum of implementing the recommendations.

8. Voluntary peer review of competition law and policy in Albania

56. The voluntary peer review of competition law and policy in Albania was chaired by a delegate from the Dominican Republic. Peer reviewers were from the Governments of Chile, Hungary, Italy and the Philippines.

57. The peer review started with a presentation of the main findings in the “Voluntary Peer Review of Competition Law and Policy: Albania – Overview” (TD/RBP/CONF.8/8) and “Voluntary Peer Review of Competition Law and Policy: Albania – Full Report” (UNCTAD/DITC/CLP/2015/1). The presentation highlighted the modern legal and institutional framework for competition in Albania, which was continuously being aligned with the latest developments in European Union competition law. National law allowed for an effective competition policy with respect to all sectors of the economy. The report had noted that success depended on continuous efforts by the authority to develop the competition culture of economic operators and help national policymakers refrain from taking measures with adverse effects on competition. With regard to advocacy, the report had underlined the beneficial effects of the authority’s involvement in regulatory reforms and recommendations to sector regulators on the functioning of relevant markets. With regard to anti-cartel measures, the report had stressed the need to enhance the national leniency policy and increase coordination with the relevant authorities on public procurement and anticorruption policies. The report had emphasized that improving administrative capacity and continuous training of the authority’s staff were essential for effective implementation of national competition policy. In addition, the uniqueness of the authority in applying private litigation at the individual level, having developed detailed procedural rules for initiating proceedings, had been highlighted. Several recommendations on legal and institutional reform had been provided, including for creating institutional

capacity for effective State aid control and considering abolishing the notification regime for agreements between undertakings. The report had advised of the need to increase public awareness of private competition enforcement and enhance the competition culture of economic operators. Finally, the report had recommended training activities for authority staff and judges and the creation of a chief economist post.

58. Albania thanked UNCTAD for reviewing the Albanian competition environment and stated that the review had been timely, given the tenth anniversary of the authority in 2014. As a young authority with limited experience, the authority had faced many challenges in implementing competition law, but great efforts in advocacy and enforcement had created improvements.

59. During the question-and-answer session, the need for promoting private enforcement to seek compensation for damages from anticompetitive practices was raised, among other issues. Albania noted that no private enforcement had taken place to date, but that such enforcement had been encouraged in various ways, including by informing concerned parties of the possibility of compensation and holding meetings with law firms, consumer associations and universities. Further, the authority had a close relationship with the judges' training institute and had co-organized several training workshops for both the administrative and district courts. With regard to the independence of the authority, Albania stated that it was the most independent among government bodies and, as transparency and due process in decision-making by the authority were guaranteed by law, there had been no complaints regarding independence. Although the authority and secretariat were located in the same building, they were entirely separate and did not unduly influence one another. With regard to focusing on cases with broad impacts to increase awareness of the benefits of competition, Albania provided examples of successful cases such as on the abuse of dominant position by mobile telephone service providers and bid rigging in the public procurement of security services. Albania emphasized the protection of small and medium-sized enterprises against the abuse of dominant position by large companies, as such enterprises accounted for 95 per cent of businesses in the Albanian economy. There had been no leniency applications since the introduction of the programme in 2004, and Albania noted that there remained a tendency to regard leniency as a form of spying, due to the history of the country as a centralized economy and a lack of competition culture. However, Albania continued to promote leniency through a combination of workshops, meetings and media. Albania had recently drafted a new leniency programme and was in discussions with stakeholders on how to make it more workable.

60. Albania was given the opportunity to ask specific questions of other competition authorities, with a view to benefiting from experiences in other countries. Questions posed related to agency independence, enforcement of advocacy, chief economist positions and public sector engagement. The secretariat presented a proposal for a technical assistance project for Albania, to address the peer review recommendations, whose overall goal was to achieve a better business environment and well-functioning market economy. The role of the "One United Nations" initiative in providing funding for follow-up activities was highlighted. Finally, Albania expressed agreement with the recommendations and thanked UNCTAD for its guidance, expressing the need to maintain the momentum of implementing the recommendations.

9. High-level round table: Role of competition policy in promoting sustainable and inclusive growth and development

61. The discussants for the high-level round table were from the Governments of Austria, Mexico and Spain and from Consumer Unity and Trust Society International and academics from the United States.

62. The session launched the discussion of the paper “The role of competition policy in promoting sustainable and inclusive growth” (TD/RBP/CONF.8/6).

63. The keynote speaker emphasized that in the alleviation of extreme poverty, domestic markets with competition law could be a solution rather than a problem. Competition law could make markets work for people without power as it could complement aggregate wealth law. Competition law was an outsider law in that it regulated abusive restraints that fenced out outsiders and could help poor people access markets and enjoy the benefits. The speaker provided examples of how competition could support the development of agricultural policies such as addressing international input cartels and protecting them from monopsonistic strategies, such as contracts that kept out competitors, oppressive contract terms and the abuse of patent rights. In this regard, the speaker stressed that enforcers seldom needed exemptions to help consumers and markets, and exemption could not be justified by efficiency only. Enforcers should first undertake competition analysis and then consider exemptions.

65. The first discussant stated that competition agencies played an important role in increasing the production of quality goods and creating jobs, and provided a comparative example of economic growth in the United States and European Union. Factors such as institutional and technological advancement and economies of scale were crucial to boosting growth in the United States. Competition law could contribute to economic growth and reduce inequality, provided that a mechanism was in place to protect small and medium-sized enterprises from larger conglomerates. Finally, the discussant stressed that the independence and accountability of agencies was of paramount importance.

66. The next discussant highlighted that competition policy introduced more competition into markets, which was an incentive for innovation that brought about higher productivity and economic growth. A large number of empirical studies confirmed a robust and positive link between product market competition and productivity growth. However, other factors such as regulatory reform, openness to international trade, strength of rule of law, efficient governance structures, transparency and procedures also played an important role. In particular, competition had long-lasting effects on economic performance and there was a positive impact from competition-enhancing policies that could not be measured primarily by static efficiency gains.

67. The following discussant stressed that competition reforms should be designed to strengthen evident links with economic growth, industrialization and job creation. The role of practitioners and scholars was significant, and they should consider the less evident links between competition reforms and, among others, access to essential services and women’s empowerment. The discussant highlighted the Consumer Unity and Trust Society International project on Competition Reforms in Key Markets for Enhancing Social and Economic Welfare in Developing Countries. The development of sustainable development goals could be used as an opportunity to demonstrate how competition reforms could lead to tangible and measurable impacts, while the challenge was to preserve and perhaps elevate the importance of competition and regulatory reforms in the post-2015 development agenda and identify the benefits of an effective competition regime for social, economic and environmental sustainable development.

68. Another discussant highlighted several empirical studies demonstrating that competition led to innovation and productivity growth. In Mexico, for example, increased efficiency in the short term could be identified following import competition caused by trade liberalization. The poor lost greater consumer well-being due to competition problems than the rich, and strengthening competition therefore had the potential to increase family incomes.

69. Questions and comments from delegates initiated an interactive debate. One delegate noted that the powers of cartel members were greater than those of competition authorities, particularly in the agricultural sector. A call for international support in this regard was made, emphasizing that UNCTAD should have a prominent role.

III. Organizational matters

A. Opening of the Conference

(Agenda item 1)

70. The Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices was opened on 6 July 2015 by Mr. Theodor Thanner, Vice-president of the Sixth Review Conference (Austria).

B. Election of the President and other officers

(Agenda item 2)

71. At its opening plenary meeting, the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices elected Mr. Vincent Martenet (Switzerland) President of the Conference.

72. The Conference elected five vice-presidents and a Rapporteur to serve on the Bureau of the Conference at its seventh session. Accordingly, the elected Bureau was as follows:

President: Mr. Vincent Martenet (Switzerland)

Vice-presidents: Mr. Hebert Eduardo Tasano Velaochaga (Peru)

Ms. Vadiyya Khalil (Pakistan)

Mr. Francis Kariuki (Kenya)

Mr. Sothi Rachagan (Malaysia)

Mr. Handong Zhang (China)

Rapporteur: Ms. Thabisile Langa (Swaziland)

73. Following established practice, the Conference agreed that the regional coordinators would be fully associated with the work of the Bureau of the Conference.

C. Adoption of the rules of procedure

(Agenda item 3)

74. Also at its opening plenary meeting, the Conference adopted the rules of procedure for the session contained in TD/RBP/CONF.7/9.

D. Adoption of the agenda and organization of the work of the Conference

(Agenda item 4)

75. Also at its opening plenary meeting, the Conference adopted the provisional agenda for the session contained in TD/RBP/CONF.8/1. The agenda was thus as follows:

1. Opening of the Conference.

2. Election of the President and other officers.
3. Adoption of the rules of procedure.
4. Adoption of the agenda and organization of work of the Conference.
5. Credentials of the representatives to the Conference:
 - (a) Appointment of a Credentials Committee;
 - (b) Report of the Credentials Committee.
6. Review of all aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices:
 - (a) Review of application and implementation of the Set;
 - (b) Consideration of proposals for the improvement and further development of the Set, including international cooperation in the field of control of restrictive business practices.
7. Other business.
8. Adoption of the report of the Conference.

E. Credentials of the representatives to the Conference

(Agenda item 5)

(a) Appointment of a Credentials Committee

76. Also at its opening plenary meeting, the Conference agreed that the Bureau of the Conference would assume the functions of a Credentials Committee and would report to the Conference accordingly.

(b) Report of the Credentials Committee

77. At its closing plenary meeting on 10 July 2015, the Conference took note of the oral report of the Rapporteur on the work of the Credentials Committee, whereby the credentials of States participating in the Conference were found to be in due and proper form, and adopted the report of the Credentials Committee.

F. Other business

(Agenda item 7)

78. Also at its closing plenary meeting, the Conference adopted a provisional agenda for the fifteenth session of the Intergovernmental Group of Experts on Competition Law and Policy (see annex I).

G. Adoption of the report of the Conference

(Agenda item 8)

79. Also at its closing plenary meeting, the Conference authorized the Rapporteur to finalize the report on its seventh session.

Annex I

Provisional agenda for the fifteenth session of the Intergovernmental Group of Experts on Competition Law and Policy

July 2016

Palais des Nations, Geneva

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. (a) Examining the interface between the objectives of competition policy and intellectual property;
(b) Enforcing competition policy in the retail sector;
(c) Enhancing legal certainty in the relationship between competition authorities and judiciaries;
(d) Strengthening private sector capacities for competition compliance.
4. Provisional agenda for the sixteenth session of the Intergovernmental Group of Experts.
5. Adoption of the report of the Intergovernmental Group of Experts.

Annex II

Attendance*

1. Representatives from the following States members of UNCTAD attended the Conference:

Albania	Malaysia
Algeria	Mauritius
Austria	Mexico
Bahrain	Morocco
Benin	Mozambique
Bhutan	Namibia
Botswana	Netherlands
Brazil	Nicaragua
Bulgaria	Nigeria
Burkina Faso	Oman
Burundi	Pakistan
Cambodia	Panama
Chile	Papua New Guinea
China	Peru
Colombia	Philippines
Congo	Portugal
Costa Rica	Qatar
Democratic Republic of the Congo	Republic of Korea
Dominican Republic	Republic of Moldova
Egypt	Romania
El Salvador	Russian Federation
Ethiopia	Saudi Arabia
Fiji	Senegal
France	Seychelles
Gabon	Somalia
Germany	South Africa
Guatemala	Spain
Hungary	Sudan
India	Swaziland
Indonesia	Sweden
Iran (Islamic Republic of)	Switzerland
Israel	Togo
Italy	Tunisia
Japan	Ukraine
Jordan	United Republic of Tanzania
Kazakhstan	United States of America
Kenya	Uruguay
Lao People's Democratic Republic	Viet Nam
Latvia	Zambia
Luxembourg	Zimbabwe
Malawi	

* For the list of participants, see TD/RBP/CONF.8/INF.1.

2. The following non-member observer State was represented at the Conference:
State of Palestine
 3. The following intergovernmental organizations were represented at the Conference:
Caribbean Community
Common Market for Eastern and Southern Africa
Economic Community of West African States
Eurasian Economic Commission
European Union
League of Arab States
Organization for Economic Cooperation and Development
Organization of Islamic Cooperation
South Centre
West African Economic and Monetary Union
 4. The following specialized agencies and related organizations were represented at the Conference:
World Bank
World Trade Organization
 5. The following non-governmental organizations were represented at the Conference:
General category
Consumers International
Consumer Unity and Trust Society International
International Network for Standardization of Higher Education Degrees
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