



Conference “Promoting Competition: Challenges and Ambition”

UNCTAD views on the Importance of Protecting and Advocating Competition and Competition-related subjects and matters

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UNCTAD's mandate – Trade and Development



- ✓ **UN body responsible for dealing with economic and sustainable development issues** with a focus on trade, finance, investment and technology - *Prosperity for All*;
- ✓ **195 members**;
- ✓ ***Think, Debate, Deliver*** - to assist developing countries in better participating in the global economy;

6 UNCTAD facts and figures

Promoting development



57

years

Membership



195

members States

Staff members



456+

Regular budget for 2020



68

million

Extrabudgetary expenditure



42

million

Projects



218

in 80 countries



UNCTAD's mandate on Competition law and policy



- ✓ **Focal point for Competition and Consumer Policies within the UN system**

The custodian of the UN Set of Principles and Rules on Competition (1980), the only internationally agreed instrument in the field of Competition

- UN General Assembly Resolution 35/63, 5 December 1980 -

- **Recognition of the positive contribution of Competition law and policy to promote economic growth and inclusive sustainable development (greater efficiency and encouragement of innovation).**
- **“Development dimension”:** reference to the Preferential or Differential Treatment for developing countries - according to their special circumstances.
- **Framework for international cooperation and exchange of best practices.**

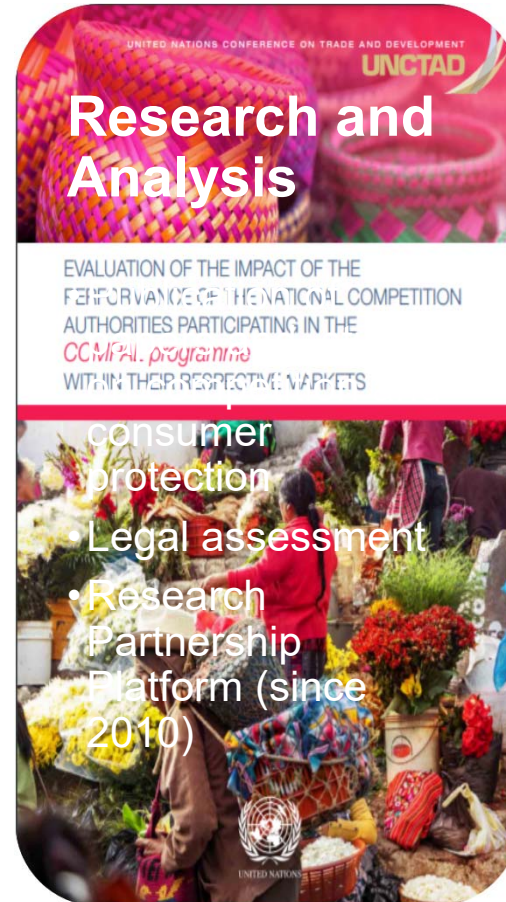
- *Guiding Policies & Procedures (2020):* recommended steps to facilitate international cooperation to developing countries; enhanced role of UNCTAD as a facilitator.

UNCTAD'S 3 PILLARS OF WORK



Consensus Building

- UN Review Conference - every 5 years since 1985
- Intergovernmental Group of Experts (IGE) meetings on Competition (since 1998) and Consumer Protection (since 2016) Law and Policy annually



Research and Analysis

EVALUATION OF THE IMPACT OF THE PERFORMANCE OF THE NATIONAL COMPETITION AUTHORITIES PARTICIPATING IN THE *CCMIPAL programme* WITHIN THEIR RESPECTIVE MARKETS

- consumer protection
- Legal assessment
- Research Partnership Platform (since 2010)



Technical Assistance

UNCTAD TOOLBOX DELIVERING RESULTS THIRD EDITION

- Demand-driven assistance at national (since the late 90s) and regional (since 2003) levels
- UNCTAD Voluntary Peer Review on Competition/Consumer Protection Law and Policy

Advocating Competition law and policy

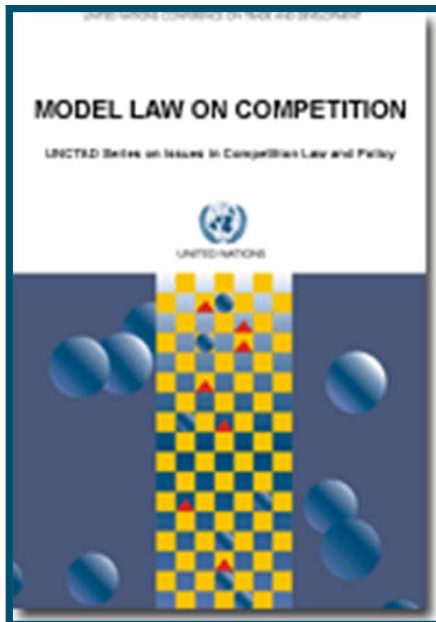


Competition Advocacy is a key responsibility of Competition Authorities

- Competition law and policy needs to be disseminated through a wide range of stakeholders to promote a competitive environment and a Competition culture
 - **Government** - regularly advising on legislative and regulatory frameworks
 - **Sectoral regulators** - often entrusted with concurrent mandates or with consultative/collaborative roles vis-à-vis the Competition Authority: need for close cooperation and continuous dialogue
 - **Judiciary** - review of Competition Authorities' decisions and assessment of Competition private enforcement claims
 - **Business/ private sector** - raising awareness and encouraging Competition Compliance
 - **Civil society organizations** - consumer associations and business associations
 - **Academia** – graduate studies and executive training
 - **Public opinion** - through the media



Competition Advocacy resources - UNCTAD



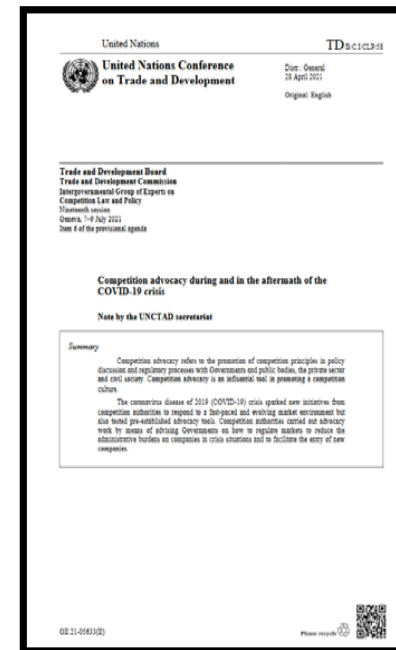
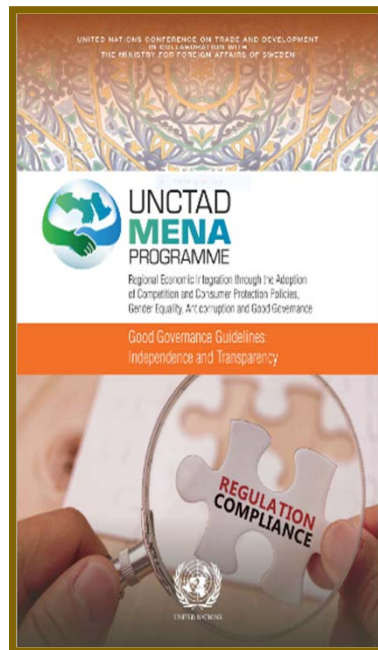
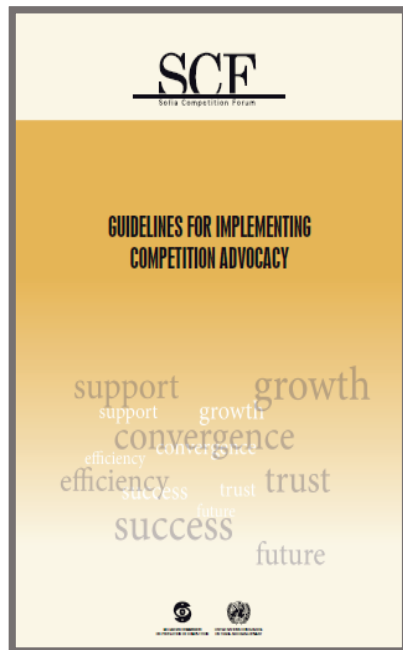
UNCTAD Model Law on Competition: *substantive possible elements for a competition law, commentaries and alternative approaches in existing legislations*

Part 1 comprises 13 provisions on key issues of a Competition legal framework.

Part 2 is regularly updated with commentaries and cases from member States.

Chapter VII - The relationship between competition authority and regulatory bodies, including sectoral regulators

Competition Advocacy resources – UNCTAD (2)



Other UNCTAD relevant activities and products

- **Joint UNCTAD-SELA Working Group on Trade and Competition** (since 2010) – annual meetings



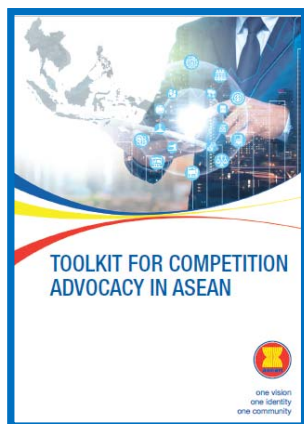
- **UNCTAD RPP research project on Competition Compliance for Latin America**



- **Synergies with UNCTAD other mandate on Consumer protection**



Other Competition Advocacy resources



Competition law and policy response to the COVID-19 pandemic impact



Competition advocacy during the COVID-19 pandemic



The **economic recovery packages launched by Governments** across the globe with significant amounts of public funds provided a **unique opportunity for Competition Authorities to advocate a pro-competitive approach** translated into specific commitments/conditions imposed to the targeted companies and economic sectors.

This role of Competition Authorities is yet to be fully explored regarding **new or revised legislation, foreseen nationalization plans and any sector's restructuring programmes** deemed inevitable during the COVID 19 crisis.

Key issues: State Aid, Public procurement, Regulation

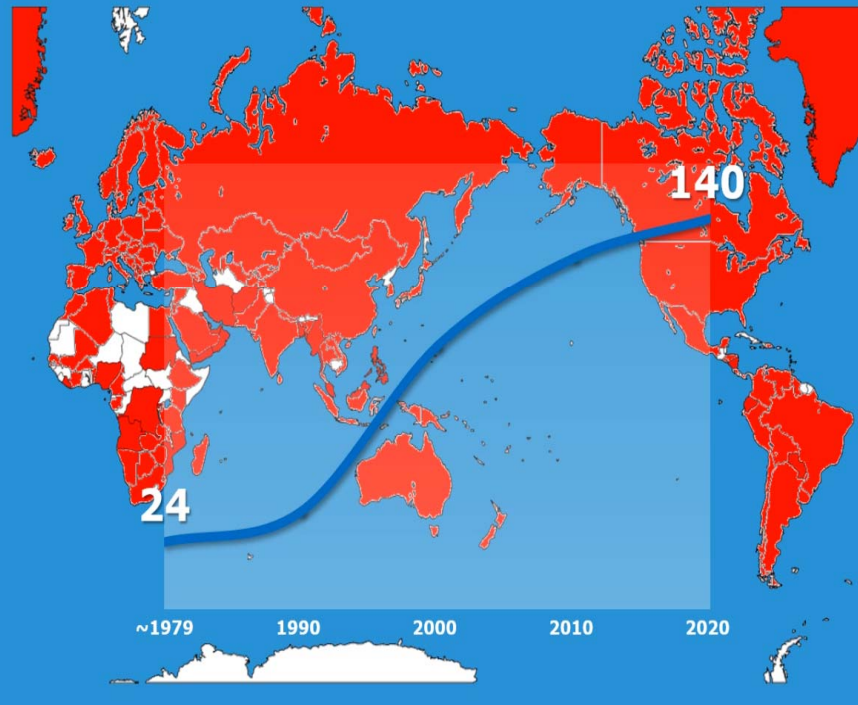
Governments need to be drawn to the crucial contribution that Competition Authorities can provide throughout this phase and fully engage with them in order to ensure that markets will remain open, competitive and dynamic in the aftermath of the crisis.

International cooperation

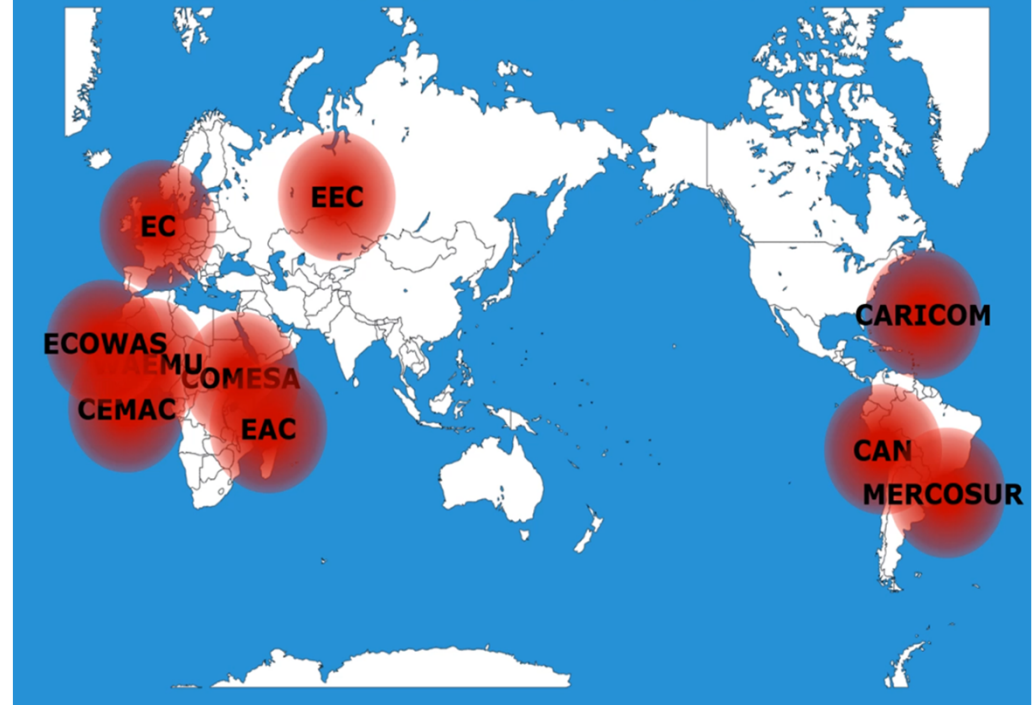


Competition law and policy around the world

Number of jurisdictions with competition law



Development of regional competition laws and authorities



Concluding remarks

- The crises have underlined the need for joining efforts, new partnerships and coordinating actions across the world
- A **holistic approach** is needed for sounder evidence-based policymaking in order to allow a good understanding of the profound changes that economies, markets and societies are undergoing
- **Competition Authorities have to be fully engaged in raising awareness to the benefits of competitive markets, in advocating for pro-competitive legislation and regulation and in promoting a competition culture**
- It is of the utmost importance to promote synergies, explore collaboration and improve cooperation within each jurisdiction
- A **close and regular interaction with other stakeholders at national, regional and international levels** provides for the exchange of information and knowledge, the identification of best practices and joint initiatives between advanced and less experienced Competition Authorities
- **Bringing together developing and developed countries' Competition Authorities and other Governmental, sector-specific regulators, business and civil society organizations representatives is the way forward**

Thank you!

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<https://unctad.org/Topic/Competition-and-Consumer-Protection>

