

## Talking points for the 2nd Joint ESCWA-UNCTAD-OECD Arab Competition Forum

### UNCTAD's work since the first Competition Forum in January 2020 and plans for future projects

- Since the first ESCWA-UNCTAD-OECD Competition Forum for the Arab region held in January 2020, the circumstances surrounding competition law and policy have been drastically changed due to the COVID-19 pandemic.
- UNCTAD's work and technical assistance activities have also been influenced by the pandemic. We have nevertheless been very engaged in technical cooperation, adjusting our work format to webinars and virtual interactions. UNCTAD also adjusted its work and support to its member States by addressing various challenges resulting from the COVID-19 crisis, and engaging in efforts to stimulate an inclusive and sustainable economic recovery.
- UNCTAD organized around 20 webinars in the field of competition and consumer protection law and policy since January 2020. These webinars addressed "hot topics" such as competition and digital platforms, consumer protection, COVID-19 and cross-border violations, and also included intensive support for younger competition authorities which have been established very recently. Some of the participants may remember that UNCTAD, in cooperation with UN-ESCWA and OECD, held the webinar on "Competition law and policy during and in the aftermath of the COVID-19 pandemic, reflections in the Arab region" in July last year, which brought together the unique experiences and expertise of the three international organisations. The same topic was addressed also at the Istanbul Competition Forum held in 2 June 2020 in cooperation with UNCTAD, whose participants include some competition authorities from the Arab region.
- UNCTAD held the Eighth United Nations Review Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (Review Conference) in October 2020, in a hybrid format of physical presence and virtual platforms. It was our first attempt to hold the Review Conference in a virtual way. We have found some advantages of holding conferences online, and also some lessons learned.
- In the Eighth Review Conference, member States agreed on future areas of work for the period of up to 2025: (i) interface of competition, consumer protection and data protection policies in the digital economy, (ii) stronger focus on advocacy: how authorities can approach different stakeholders, (iii) priority setting: how young authorities with limited resource should prioritize their work strategy, depending on the level of development, and (iv) international cooperation, especially bearing in mind the role of UNCTAD in the "Guiding policies and procedures under section F of the UN Set". UNCTAD stands ready to provide technical assistance to competition and consumer protection authorities in member States on other areas of interests, in response to their requests and needs.
- Concerning COVID-19, United Nations Development Account projects responding to COVID-19 have been launched in 2020, and one of them is the project on "Global Initiative towards post-Covid-19 Resurgence of the Micro, Small and Medium Enterprises (MSME)

sector”. This project is aimed at providing advice, capacity building and support to governments and MSMEs in developing countries, to strengthen their resilience during and after the pandemic. The relevance of competition law and policy in achieving this goal is the improvement of MSMEs’ access to markets and competitiveness in the post-COVID-19 period. UNCTAD, partnering with other UN organizations, had discussions among competition authorities and MSMEs representatives in regional dialogues in Asia, Africa, Europe and Latin America. The regional dialogue in Western Asia is also scheduled to take place in April, in cooperation with UN-ESCWA.

#### International cooperation

- In this globalised and digitalised world, competition law and policy are increasingly faced with cross-border challenges, which demand further regional and international cooperation.
- As for the area of cooperation between competition authorities, the Eighth Review Conference in October 2020 adopted the “Guiding policies and procedures under section F of the UN Set”, which is a comprehensive and practical guidance instrument on, and to facilitate and assist cooperation among competition authorities worldwide, in particular between young and experienced authorities. This has been recently published on the UNCTAD website at [https://unctad.org/system/files/official-document/ditccplpmisc2021d2\\_en.pdf](https://unctad.org/system/files/official-document/ditccplpmisc2021d2_en.pdf).
- The guiding policies and procedures are non-binding but serve as a tool to facilitate communication between competition authorities; promote mutual trust and understanding of each other’s legal frameworks; facilitate contacts between authorities; and clarify what is possible under existing schemes, particularly for young competition authorities with less experience in cooperation.
- UNCTAD’s publication on “International cooperation in competition law enforcement – challenges for developing countries and best practices”, which basically gathered and reproduced the main points of previous UNCTAD research on this topic discussed in previous UNCTAD IGEs, will also be published shortly.
- UNCTAD is also involved in the 2<sup>nd</sup> phase of negotiations of the AfCFTA process on competition issues. A research paper by my colleague Elizabeth Gachuri is recently published on the UNCTAD website.
- UNCTAD has ongoing work within the working groups established by the IGEs and UNRC. The Working Group on Consumer Product Safety established in 2018 held its last meeting on 9 February. The Working group’s main output is the Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products, which was adopted by the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. The WG also held a Joint European Commission-UNCTAD workshop during the International Product Safety Week in November 2020. In 2021, the WG intends to discuss the modalities for the implementation of the Recommendation on Preventing Cross-Border Distribution of Known Unsafe Consumer Products and to organize a pre-IGE meeting on consumer

product safety.

- The Working Group on Modalities for UNCTAD Peer Review held three meetings since it was set up by the UNRC in October 2020, its 3rd meeting being held recently, on 17 March 2021. This WG discusses ways to improve the methodology used in UNCTAD's Peer Reviews of competition and consumer protection laws and policies of volunteering member States.
- The Working Group on Cross-border Cartels held its first Meeting in February 2021 and discussed their work plan.
- The Working Group on consumer protection in e-commerce will hold its first meeting in April. It has been in place since 2017.
- It is foreseen that the impact of the COVID-19 crisis will last into the near future, and Governments worldwide will engage in efforts for economic recovery after the COVID-19. It is also expected that the travel restrictions would continue, and it might remain difficult to hold physical conferences and workshops. UNCTAD will continue its work adjusting to the circumstances and deliver on its mandate and providing technical assistance continuously and comprehensively, in the well-adjusted formats to the beneficiaries' needs and priorities.