



Shared Prosperity Dignified Life



**- Second joint ESCWA-UNCTAD-OECD Competition Forum for the Arab Region -**

**- UNCTAD's work on Competition law and policy -**



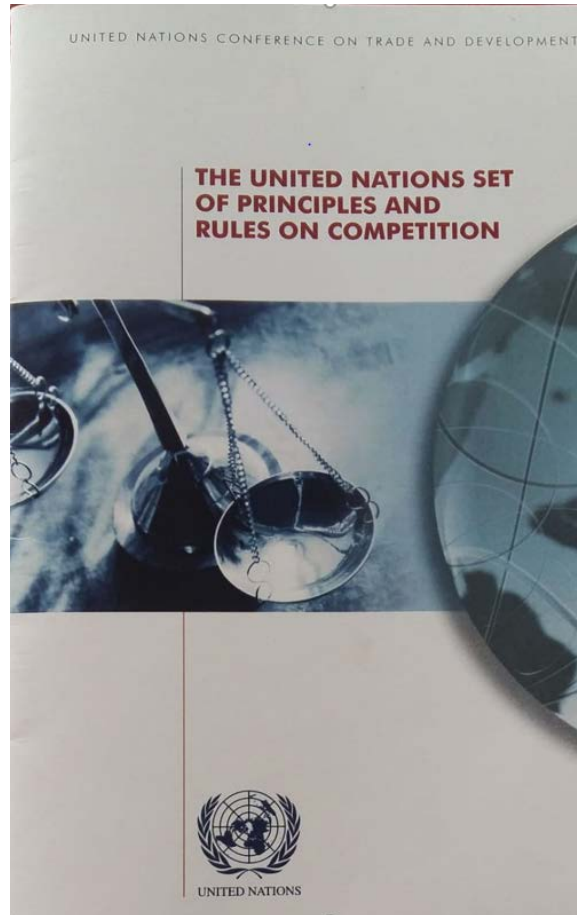
## - UNCTAD -

- Created in 1964
- 195 members
- Mandate: the United Nations body responsible for dealing with economic and sustainable development issues with a focus on trade, finance, investment and technology.

### *Prosperity for All*

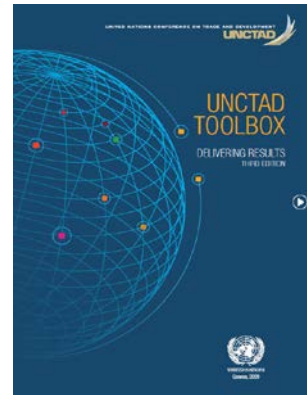
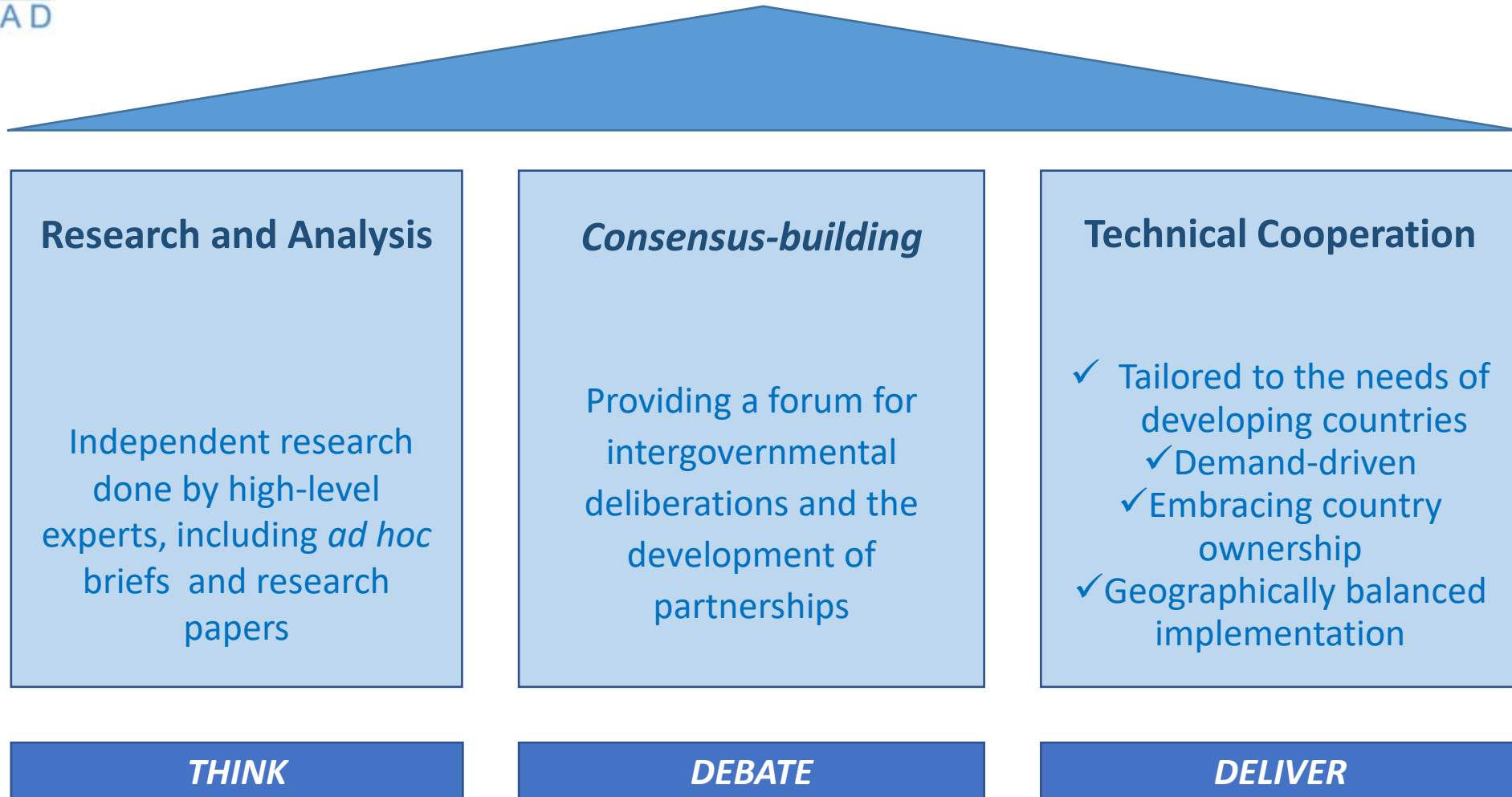
- *Think, Debate, Deliver* - to assist developing countries in better participating in the world economy
- Focal point for Competition and Consumer Policies within the UN system

# UNCTAD is the custodian of the UN Set of Principles and Rules on Competition (1980)



- The only internationally agreed instrument in the field of Competition law and policy - approved by the UN General Assembly Resolution 35/63, 5 December 1980;
- 140 countries have enacted and implemented Competition legal and institutional frameworks, including most developing countries;
- Regional economic organizations have also adopted Competition rules and/or endorsed Competition policy, including organizations whose members are developing countries and countries with economies in transition;
- The UN Set has been influencing member States to adopt, implement and use Competition law and policy as an instrument to promote economic growth and inclusive sustainable development for 40 years.

# UNCTAD'S Pillars of work





# UNCTAD's *Consensus-building*

UNCTAD



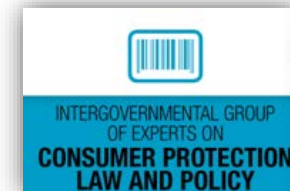
Competition  
and  
Consumer  
Policies  
Branch

**UNCTAD Ministerial Conferences - every 4 years**  
UNCTAD XIV, Nairobi, Kenya, 2016

**Upcoming Conference: UNCTAD XV, Barbados,  
2021**

**UN Conferences to review the UN Set on Competition**  
To assess the usefulness of the UN Set and to review  
UNCTAD's mandate in this field

**Annual Intergovernmental Group of Experts meetings  
on Competition law and policy and on Consumer  
protection law and policy**  
To evaluate the work programme implementation and to  
choose issues for discussion and consultations





# Competition and consumer protection

We promote competition to level commercial playing fields and support policies and frameworks that protect and empower consumers.



Working group on international cooperation on competition law enforcement



Working group on cross-border cartels



Working Group on modalities of the voluntary peer review exercises

## Working groups

# Latest publications



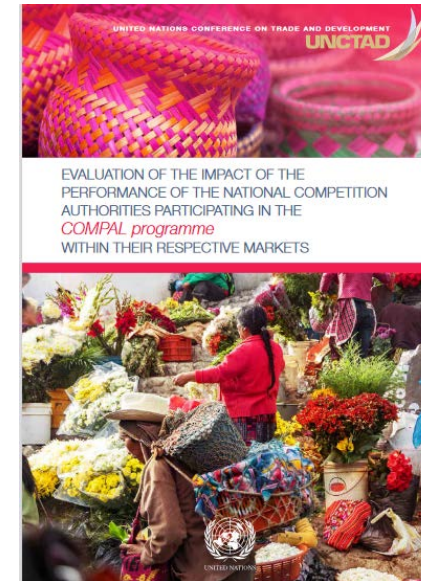
**Guiding policies and procedures under section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices**



**African Continental Free Trade Area Phase II Negotiations: A Space for a Competition Protocol?**



**Assessment of the competition law of Belarus**



**Evaluation of the impact of the performance of the national competition authorities participating in the Compal Programme within their respective markets**

## Restoring competition in "winner-took-all" digital platform markets



### Restoring competition in "winner-took-all" digital platform markets

**Abstract**  
Digital platforms provide a variety of services such as marketplaces, social networking, search engines and payment systems. Their business model relies on data and data monetization for growth. These are multi-sided, oligopolistic or monopolistic markets characterized by network effects, high economies of scale and scope, and increasing returns to scale, which together raise barriers for new entry. In digital markets, platforms compete for the market and not in the market. These features together with control over user data confer significant market power to incumbent platforms in their respective markets. This has raised concerns about competition and led the competition lawyers and economists to reflect on ways to restore the lost competition in digital markets.  
This paper suggests adopting competition law tools and analysis to the realities of this new business model, reforming merger control regimes, focusing not only on price but also fair competition in digital markets, adopting regulatory measures such as data openness and portability, interoperability between online platforms. The paper also questions the relevance of consumer welfare standard based on price effects and efficiency in the new business model of online platforms. It suggests adopting a broader framework including choice, quality, privacy, innovation, future competition and effective competition structure and competitive measures in competition law enforcement.  
**Key words:** Competition, Digital platforms, Online platforms, Market power



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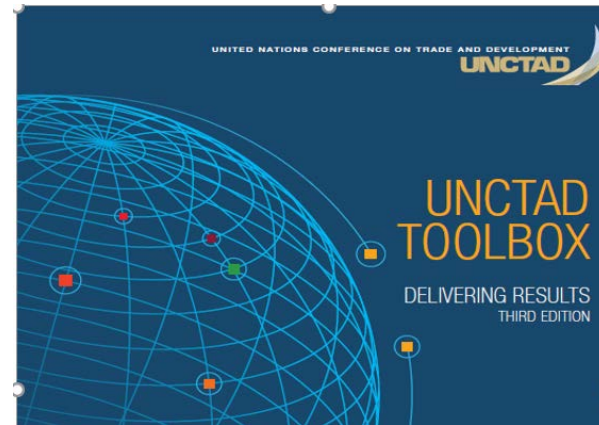


# Technical Assistance

Key Products on Competition law and policy:

- **COMPETITION AND CONSUMER PROTECTION POLICIES AND FRAMEWORKS:** improving market efficiency and consumer welfare (since the late 90s – national; regional focus since 2003);

- **VOLUNTARY PEER REVIEWS OF COMPETITION AND CONSUMER PROTECTION LAWS AND POLICIES:** sharing best practices for developing countries and supporting the dissemination and implementation of the expert recommendations (since 2005; 28 Peer Reviews, including 2 regional Reviews of the West African Economic and Monetary Union - 28 countries covered)



## COMPETITION AND CONSUMER PROTECTION POLICIES AND FRAMEWORKS

IMPROVING MARKET EFFICIENCY AND CONSUMER WELFARE

### GLOBAL CONTEXT

Competition and consumer protection policies are complementary to trade and industrial policies and are important instruments for achieving economic growth and inclusive and sustainable development. In the current global economy, with highly concentrated markets, competition policy is even more relevant to create an enabling business environment and provide opportunities for start-ups and small and medium-sized enterprises, while ensuring consumers wider choice, lower prices and good-quality products. On the demand side, consumers need to have their rights protected and have easy access to effective dispute resolution and redress, especially in context of the digital economy.

UNCTAD has expertise in competition and consumer protection policies and has been working in these areas since the 1980s. UNCTAD is the custodian of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, adopted in 1980, the only internationally agreed instrument on competition policy that provides recommendations for the control of anticompetitive practices and a framework for international cooperation and exchange of best practices, while recognizing the development dimension of competition law and policy. UNCTAD is also the guardian of the United Nations guidelines for consumer protection, adopted in 1985 and revised in 1999 and 2015, which have strongly influenced the drafting and the modernization of consumer protection legislation by developing countries and countries with economies in transition.

UNCTAD assists developing countries and countries with economies in transition in adopting or revising competition and consumer protection policies and legislation, as well as regional frameworks, to ensure alignment with international best practices. Until 2018, almost 140 member States adopted competition frameworks, including several developing countries and countries with economies in transition across the world, as did several regional economic organizations with developed and developing countries as members (for example, the Association of Southeast Asian Nations, Caribbean Community, Central African Economic and Monetary Community, Common Market for Eastern and Southern Africa, Eurasian Economic Union, West African Economic and Monetary Union).

### HOW DOES THE PROGRAMME WORK?

UNCTAD contributes to the strengthening of competition and consumer protection regimes in developing countries and countries with economies in transition through the following:

- Developing and improving policy, legislative and institutional frameworks.
- Drafting competition and consumer protection legislation adapted to addressing current challenges and harmonized with regional frameworks.
- Setting up institutional frameworks for effective law enforcement and efficient functioning.
- Building human capacities through training programmes aimed at competition and consumer authorities, Government and officials of sectoral regulators, representatives of business and consumer organizations and the judiciary.
- Developing curricula for universities, to deliver courses on competition and consumer protection.
- Establishing links between agencies through study visits from experts from both developed and developing countries.

UNCTAD technical assistance and capacity-building in the fields of competition and consumer protection is developed in close cooperation with the beneficiaries and employs a multi-stakeholder approach to foster a culture of competition and consumer protection and raise awareness among consumers and businesses. UNCTAD provides support to relevant institutions and stakeholders to build institutional and human capacity in implementing competition and consumer protection legislation.

### RESULTS AND IMPACTS AT A GLANCE

UNCTAD has achieved the following results in countries involved in its technical assistance and capacity-building programmes:

- Improved competition and consumer protection legislation to address current challenges.
- Strengthened human capacities in competition and consumer protection law enforcement.
- Improved institutional structure and organization to strengthen effective and efficient law enforcement.
- Enhanced competition and consumer protection culture through advocacy and awareness-raising seminars.

Fostering economic efficiency, improving governance



## VOLUNTARY PEER REVIEWS OF COMPETITION AND CONSUMER PROTECTION LAW AND POLICY

SHARING BEST PRACTICES FOR DEVELOPING COUNTRIES

### GLOBAL CONTEXT

Competition is fundamental to the success of any market economy. It stimulates a country's attractiveness as a business location and fosters economic efficiency, productivity, innovation and economic growth. Competitive markets offer a wider range of products with lower prices and increased quality, to the benefit of consumers. Trade liberalization cannot reach its full potential if anticompetitive practices between private companies remain, raising barriers to market entry and leading to high levels of market concentration and potential abusive behaviour. Therefore, it is essential for all countries to assess and, if necessary, improve the effectiveness of their competition laws and policies.

UNCTAD has supported developing countries and countries with economies in transition through a process of voluntary peer reviews of their competition laws and policies since 2005. The unique development perspective and experience of UNCTAD in working with competition authorities worldwide serves as a guarantee that the voluntary peer review process focuses on improving competition laws and policies in a way that fosters competitiveness and addresses countries' development needs and current economic challenges. Consumer protection law and policy play a crucial role in ensuring that consumers are well-informed and well-protected against unfair and fraudulent business practices and will be provided with appropriate remedies if deceived. Voluntary peer reviews of consumer protection law and policy are a new global exercise that has been mandated to UNCTAD in United Nations General Assembly resolution 70/186; no such process exists at the international level in the field of consumer protection.

UNCTAD has supported developing countries and countries with economies in transition through a process of voluntary peer reviews of their consumer protection laws and policies since 2016. The reviews aim to improve consumer protection legislation and enforcement, to ensure that countries can address current challenges in providing effective protection to consumers and to raise awareness of relevant stakeholders of the importance of a consumer protection culture.

### HOW DOES THE PROGRAMME WORK?

UNCTAD voluntary peer reviews of competition and consumer protection law and policy allow developing countries to benchmark their legislative framework against international best practices. They also provide an opportunity for reviewed countries to self-evaluate their enforcement performance. The reviews are conducted using an interactive peer review method that promotes knowledge-sharing and mutual understanding between competition authorities and consumer protection agencies at the regional and international levels through formal relations and informal networks and encourages both North-South and South-South cooperation.

The reviews identify major legislative, administrative and procedural changes that might be necessary for the optimum functioning of the competition and consumer protection frameworks. They give insights into country-specific constraints, including political and economic problems that restrict effective enforcement of the laws in question. The reviews serve as a basis for peer review examination during the annual meetings of the intergovernmental groups of experts on competition and consumer protection law and policy.

Voluntary peer reviews also provide an opportunity for the reviewed country to benefit from UNCTAD capacity-building and technical assistance in implementing the review recommendations. When necessary, development partners are invited to join efforts in implementing the technical cooperation and capacity-building project concerned. Ensuring ownership by the country undergoing review is essential to the sustainability of a peer review.

### RESULTS AND IMPACTS AT A GLANCE

Global competitiveness assessments carried out annually by the World Economic Forum show that competition climates have improved in 10 countries following their peer review processes, facilitated by UNCTAD – an indication of UNCTAD contributions to competition law and policy.

Review reports have been used in amending legislation (at the level of draft laws), for advocacy and in establishing a new training agenda for staff. According to an external evaluation in 2015 of voluntary peer reviews on

Fostering economic efficiency, improving governance

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# UNCTAD's 19<sup>th</sup>. session of the IGE on Competition law and policy, July 2021

- Competition law and policy and regulation in the digital era;
- Competition advocacy during and in the aftermath of the COVID-19 crisis;
- Voluntary Peer Review on Competition Law and Policy of Malawi;
- Round table on International experiences and best practices in competition law enforcement against cross border cartels;
- Review of capacity-building on and technical assistance in competition law and policy;
- Report on the implementation of the “Guiding Policies and Procedures under Section F of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices”;
- Review of chapter XIII (“Actions for Damages”) of the Model Law on Competition, Part 2 – commentaries.







Please watch the video that celebrates 40 years of the UN Set  
(<https://youtu.be/hhAk2miK3B4>) at UNCTAD's webpage:  
<https://unctad.org/topic/competition-and-consumer-protection/the-united-nations-set-of-principles-on-competition>

**THANK YOU!**

**Competition and Consumer Policies Branch**

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

