

Day 2. Competition Provisions Session IV in Trade Agreements



Shared Prosperity Dignified Life



Sultanate of Oman
سلطنة عُمان
وزارة التجارة والصناعة وترويج الاستثمار
Ministry of Commerce, Industry & Investment Promotion



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Background

The nexus between trade liberalization and competition policies can be described as synergetic in that both policies aim at leveling the playing field for businesses to compete, whether in national, regional or international markets. As explored in the work of UNCTAD Competition and Consumer Policies Branch, and the UNCTAD Intergovernmental Group of Experts on Competition Law and Policy, both competition and trade policies need to work together in order to create opportunities for economic development and enhance consumer welfare, in particular in developing economies. In the absence of a comprehensive set of multilateral disciplines on competition and trade in the WTO framework, it is therefore a welcome development that there is a growing trend in integrating competition policy provisions in trade agreements, in particular regional trade agreements (RTAs). However, the scope of these provisions varies both with regard to the levels of economic integration desired and, to some extent, according to the levels of development of the trade agreement parties. One of the most topical questions – also arising with regard to an equitable global recovery from the Covid-19 crisis – is whether and how competition provisions in trade agreements take up issues related to principles of competitive neutrality, including e.g., questions related to the involvement of state-owned enterprises in the economy. Furthermore, while most competition chapters in trade agreements foresee cooperation between competition authorities, the type of cooperation envisaged varies across agreements and authorities may face challenges in operationalizing them in practice. This session is designed to explore the synergies between trade and competition policies as they are addressed in trade agreements, including regional trade agreements, and to discuss how competition authorities can best get involved and harness their use to the benefit of economic growth and consumer welfare.

The following are the main objectives of the session:

- Highlight the importance of including adequate competition policy provisions in trade agreements, and discuss the role of competition authorities in the negotiation process and implementation of them.
- Understand the main challenges faced by competition authorities in negotiating well-defined and effective competition provisions in trade agreements and in cooperating with trade authorities as well as among themselves across borders.
- Analyze the characteristics of current competition policies applied in Arab countries and their relationship with trade agreements concluded in the region and internationally (including with regard to the principle of competitive neutrality).
- Discuss preliminary ideas and suggestions by participants to maximize the utilization of trade agreements to the benefit of Arab economies and their populations.



Moderator

- **Teresa Moreira**, Head, Competition and Consumer Policies Branch, Division on International Trade and Commodities, UNCTAD



Speakers

- **Anna Caroline Muller**, Legal Affairs Officer, WTO's Intellectual Property, Government Procurement and Competition Division
- **Regina Vargas**, Superintendent of Competition, El Salvador
- **Francis Kariuki**, Head, Competition and Consumer Authority of Kenya
- **Nathalie Khaled**, Economic Affairs Officer, ESCWA