



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE PORTUGUESE COMPETITION AUTHORITY
AND
THE UNITED NATIONS CONFERENCE ON TRADE AND
DEVELOPMENT**

Whereas the United Nations Conference on Trade and Development (hereafter UNCTAD) aims at promoting cooperation among Governments, competition agencies and other institutions dealing with competition and consumer protection issues, with the aim of improving the domestic policy environment for markets to function effectively and reaping the full benefits of economic reforms and privatization,

Whereas the Portuguese Competition Authority (hereafter PCA) acts as the enforcement agency for the Competition Act and related legislation, as well as the EC competition rules, and in that capacity it provides networking opportunities and facilitates the exchange of best practices in international competition policy.

Taking into account that UNCTAD and PCA, referred to jointly as the "Parties", have a mutual interest in the development of an environment conducive to competitive markets and the promotion of a competition culture.

Have agreed as follows:

Article I

Purpose of this Memorandum of Understanding

The purpose of this Memorandum of Understanding (MOU) is to formalize the mutually beneficial relationship between the Parties, which is based on the shared objective of assisting Lusophone countries in adopting and enforcing competition law and maximizing the benefits for these countries of well functioning markets.

Article II

Areas of cooperation

Subject to availability of resources and funding the Parties will:

Contribute to capacity building through the provision of expertise on competition-related issues and the sponsorship and sharing of publications on competition issues for dissemination among Lusophone countries;

Cooperate to strengthen competition networks; PCA will give priority to the provision of Study Tours for professionals from Lusophone countries; UNCTAD will contribute to PCA capacity building programmes and the PCA conference and training activities for the Lusophone countries;

Cooperate to promote each other's activities for Lusophone countries; in particular, relevant PCA activities will benefit from promotion by UNCTAD, and PCA will support



UNCTAD national competition programmes, in particular the Training of Trainers Courses;

Keep each other up to date on the latest developments in competition cases, and exchange publications, reports and publicly available information.

Article III Agreed Activities

Specific activities will be covered under annual work programmes to be agreed by October of the previous year. The work programme for the remainder of calendar year 2004 is attached as annex 1. An indicative programme for calendar year 2005 is attached as annex 2. For the above events, UNCTAD will propose to the PCA, 60 days ahead of the delivery of each activity, *inter alia*, the following elements: (i) date; (ii) venue; (iii) number of seconded experts requested from the PCA; (iv) modules to be delivered by such experts; and (v) financing arrangements. The PCA will then take a decision, appoint a Team Leader for the event, and inform UNCTAD thereof, but not later than 15 days after receiving UNCTAD's proposal. The Team Leader will be the focal point within the PCA for all contacts related to the activity.

Article IV Administrative and financial modalities

This MOU will be implemented subject to the budgetary provisions and the administrative rules and regulations of the United Nations.

Article V Consultations

Each party shall agree to enter promptly into consultations at the request of the other party with respect to any matter arising in relation to this MOU.

Each party shall, at the request of the other party, provide any documentary information that the other may need to comply with its Financial Rules and Regulations. In no circumstances should this obligation be interpreted as requiring a party to breach its administrative and financial rules or policies.

Article VI Entry into force and termination

This MOU shall enter into force on the date of its signature by both Parties and will remain in force unless terminated by mutual agreement, or by one party terminating the MOU by giving thirty (30) days' written notice to the other party.

Without prejudice to the foregoing, steps will be taken to ensure that termination of this MOU will not be prejudicial to any activities or programmes undertaken within the framework of the MOU.



**Article VII
Dispute resolution**

Any dispute arising from or in connection with this MOU, including interpretation or application of any provision herein contained, will be settled amicably by the Parties.

**Article VIII
Amendments**

This MOU may be amended by mutual written agreement of the Parties. Unless otherwise agreed, amendments may apply only to activities that have not yet been implemented.

Done at Lisbon on August 30, 2020 in two originals in the English language.

For the Portuguese Competition Authority

For the United Nations Conference on
Trade and Development

Prof. Abel M. Mateus
President
Portuguese Competition Authority

Mr. Victor Busuttil
Officer-in-Charge, Division of Management
UNCTAD

Attachments



Annex 1

Work programme for calendar year 2004

Activity 1/CY04

This activity will cover the delivery of two national seminar clinics on selected competition issues and the role of competition law and policy in economic reforms and development in Mozambique and Angola. The seminars will be held during the fall of 2004 (Sept-Oct). The target group will be competition officials from ministries, sector regulators, price control departments, the private sector, legal professions and agencies working on competition policies. The venues will be Maputo and Luanda.



Annex 2

Indicative work programme for calendar year 2005

Activity 1/CY05

This activity will cover the delivery of a subregional seminar. The venue will be determined after consultation between the PCA and UNCTAD. The target group will be competition and trade officials and private sector representatives from Cape Verde, Guinea-Bissau, Sao Tome and Angola.

Activity 2/CY05

This activity will cover the delivery of a regional workshop for Lusophone countries in the first quarter of 2005. The target group will be competition and trade officials from Brazil, Mozambique, Angola, Sao Tome, Cape Verde and Guinea-Bissau. The proposed venue for this event could be Portugal or Brazil.