

INTERNATIONAL COMPETITION NETWORK OPERATIONAL FRAMEWORK

Last Revision: December 1, 2004

Membership

Members of the International Competition Network are competition agencies entrusted with the enforcement of competition laws that have acceded by letter to the "Memorandum on the Establishment and Operation of the International Competition Network" or were members of the Interim Steering Group. Where a single jurisdiction has more than one competition agency, each may be a Member.

Steering Group

Mandate

The Steering Group:

- guides the work of the ICN by identifying subjects of potential interest to Members and considers proposals for projects aimed at leading to non-binding general guidelines or "best practices" recommendations;
- establishes, designates the leadership and recommends the composition of Working Groups to carry out projects approved by the ICN at its Annual Conference;
- reviews and approves a work plan for each project devised by the responsible Working Group;
- prepares and circulates agendas and documents for conferences and meetings of the ICN to Members; and
- approves the agenda of, and non-Member participants in, the Annual Conference, on the advice of the Annual Conference Planning Committee; and
- shall establish the not-for-profit ICN Support Corp. under the laws of Ontario, Canada, and shall take all decisions relevant to the operation of that corporation directly or through delegation to an Expenditures Committee, being a subset of the Steering Group.*
- shall establish guidelines for the Annual Conference Planning Committee to consider in making recommendations concerning funding requests for Member participation in ICN events.

Steering Group Membership

The Steering Group shall consist of 15 members. In the event a member elects to leave the Steering Group, the Steering Group may choose to appoint a replacement to fill the vacancy until the next Steering Group is confirmed.

ICN Members designated to host an Annual Conference serve on the Steering Group until the next Steering Group confirmation following the year of their hosted conference.

The remainder of the Steering Group is comprised of members who serve two-year terms and are recommended by the outgoing Steering Group. Steering Group members are confirmed by consensus of ICN Members in odd-numbered years at the Annual Conference.

Any ICN Member, including a member of the outgoing Steering Group, may ask the outgoing Steering Group to be nominated to be on the next Steering Group. The outgoing Steering Group may also seek the interest of a particular ICN Member to offer its name as a candidate.

In making its recommendations, the outgoing Steering Group shall consider:

- that the Steering Group's membership should reflect the geographic diversity of ICN Members;
- each nominee's degree of participation in ICN activities; and
- the desirability of confirming new Steering Group member(s) in each round.

Meetings

Members of the Steering Group meet in person immediately after each Annual Conference at the location at which the Annual Conference is held to elect a Chair from among Steering Group members and to conduct other business as appropriate. The Steering Group meets in person or virtually as frequently as warranted to consider the progress of Working Groups and the status of ongoing Projects.

Meetings of the Steering Group are called by the Chair or by any five Steering Group Members. The quorum for meetings of the Steering Group is established at eight members.

Chair

The Chair is responsible for:

- chairing meetings of the Steering Group;
- co-Chairing the Annual Conference with the Head of the Annual Conference Host Agency;
- undertaking the necessary secretarial duties of the ICN;
- preparing and distributing the minutes of Steering Group meetings to members of the Steering Group;
- acting as the depositary for information regarding the operation and activities of the ICN;
- reporting personally, or through his or her designated representative, on fundraising activities.;
- the general conduct of the affairs of the ICN where not otherwise specified to be within the responsibility of any Group or Committee.

Vice-Chairs

The Chair of the Steering Group may nominate Vice-Chairs for Steering Group approval.

Vice-chairs are responsible for:

- chairing meetings of the Steering Group in the absence of the Chair;
- speaking, including on behalf of the Chair, at speaking engagements, conferences and other fora to promote the work of the ICN;
- preparing an notional annual budget; and,
- any other duties, within the ambit of the Chair's responsibility, as requested by the Chair.

Working Groups

Working Groups are comprised of such representatives of Members and other participants as the Working Group Chair may appoint. Any Member wishing to contribute to the work of a Working Group may do so. Such appointments endeavour to reflect the geographic range of ICN Members.

Working Groups, to the extent possible, operate on a consensus basis. To the extent that a consensus cannot be achieved, Working Groups identify in their reports the different views held by members and the relative support of members for the differing views. Working Groups determine the nature and ambit of their responsibilities within the mandate specified by the Steering Group. However, any decisions involving financial obligations are taken only by the Steering Group.

The Chairs of the Working / Subgroups may invite the assistance of anti-trust experts on issues falling within the remit of their respective groups.

Cooperation with other international bodies working in the same field

The ICN seeks close cooperation on anti-trust issues with other international bodies working in the same field, such as in particular the WTO, UNCTAD, and the OECD.

The Steering Group may invite these or other international bodies working in the same field to designate representatives to contribute to any ICN activity on the same terms as non-governmental advisors.

Non-Governmental Advisors

The ICN will involve anti-trust experts from the relevant consumer, business and academic constituencies as well as from the legal profession.

These experts will be invited to participate in the ICN either in their capacity as representatives of associations invited by the Steering Group, or in a personal capacity

based on their individual authority and expertise in the field of anti-trust. They are expected to contribute to the work carried out by the ICN with respect to any matter, including :

- potential projects or particular aspects of projects;
- issues and factors to be considered by the Steering Group, a Working / Subgroup or the Annual Conference Planning Committee
- information, expertise and resources;
- potentially helpful contact persons; and
- the draft work product of Working / Subgroups, including recommended best practices and guidelines.

Members may seek information and expertise on ICN-related issues from non-governmental advisors of their own choice.

Non-governmental advisors in any ICN activities are generally expected to bear their own expenses in relation to such activities.

Non-governmental advisors shall refrain from making statements on behalf of ICN, and from misrepresenting their activities in relation to ICN.

Conferences and Workshops

Planning and Coordination

Annual Conference planning and coordination is managed each year by the Annual Conference Planning Committee, comprised of:

- a representative of the Host Agency of the next Annual Conference (Chair);
- the Chair of the Steering Group;
- the Chairs of Working Groups;
- a representative of the previous year's Host Agency;
- a representative of the following year's Host Agency; and
- such other Members as may be appointed by the Chair of the Committee.

The Committee prepares a draft agenda and a tentative list of participants for the Annual Conference to be submitted to the Steering Group for approval.

The Committee reviews requests by ICN Members for funding to participate in ICN events based on guidelines established by the Steering Group, makes recommendations to the ICN Support Corp. on the priority to be given to outstanding requests and notifies the Steering Group of its recommendations.

Participation

The Steering Group, acting on its own initiative or on a proposal made by a Chair of the Working / Subgroups, will ask the Host Agency to invite to the Annual Conference

- representatives that have been designated by international bodies working in the same field mentioned above, or by any other international body invited by the Steering Group;
- anti-trust experts representing a balance of geographic origins and backgrounds that have been designated, upon invitation by the Steering Group, by associations of the consumer, legal and business constituencies; as well as other anti-trust experts selected on the basis of their individual expertise and authority, in particular from the academic community.

The number of anti-trust experts to be invited from each of these groups to the Annual Conference is determined by the Steering Group within the limits indicated by the Annual Conference Planning Committee.

The Host Agency may nominate for participation in the Annual Conference a limited number of special guests.

Agenda

The Annual Conference agenda is structured to focus on:

- reports from, and progress within, Working Groups; and
- the future work program of the ICN.

Guidelines for Conference Hosts on Funding

An Agency chosen by the Steering Group to host the Annual Conference or another ICN sponsored conference or workshop shall be responsible for the cost of putting on the event, including the cost of the venue, meals and any local event planning organization necessary to plan the event's logistics. The host agency shall be responsible for securing the necessary funding and may accept funding from any source provided that funds from non-governmental sources are notified in advance to the Annual Conference Planning Committee. Any non-governmental sponsorship should not give rise to the perception of conflict of interest.

Language of the ICN

English is the interim working language of the Steering Group, Working Groups, ICN web-site infrastructure and the Annual Conference.

The language of written contributions to the work of the ICN are at the discretion of the contributor of such material. Any related translation costs are borne by the contributor.

If a sufficient number of members ask for other working languages, the question will be examined by the Steering Group.

ICN Web-site

Modifications to the web-site, including the addition or deletion of content material, are approved by the Chair of the Steering Group or by the Chair of a Working Group, as the case may be, after consultation with members of the relevant Group. Chairs give advance notice of such modifications to Group members. Modifications are deemed to be approved by Members in the absence of any indication to the contrary.

Enquiries generated from the ICN web-site are routed to designated contact persons within the Chair's office, Working Groups or to the ICN Webmaster as appropriate. The ICN will establish an electronic registry of anti-trust experts on the ICN web-site for self-inscription which will be open to all anti-trust experts who are willing to contribute to the work of the ICN.

A public email distribution list will be set up via the ICN web-site to disseminate to interested members of the public ICN documents such as approved work plans of the Working / Subgroups, or other material authorised by the Steering Group Chair.