



INTERNATIONAL COMPETITION NETWORK

**Operational Framework
of
Advocacy and Implementation Network Support Program
(AISUP)**

Vice Chair for Advocacy & Implementation

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1 Background

The ICN aims to promote more efficient and effective antitrust enforcement worldwide by enhancing convergence and cooperation. It has produced a variety of practical products and outputs beneficial to the enforcement of competition law in various areas including mergers, cartels, unilateral conducts and advocacy, through active discussion in working groups. Those products include recommended practices, case-handling and enforcement manuals, reports, and so forth. The ICN also facilitates dissemination of best practices of antitrust law enforcement and advocacy through workshops and teleseminars. Common understanding of competition laws has been developed through such activities of the ICN, and convergence and cooperation have been voluntarily promoted by the amendments of competition laws and agency policies in many jurisdictions, taking fully into account the practical products and outputs of the ICN.

Nevertheless, some jurisdictions, which have revised or are planning to revise their competition laws or agency policies may do so in a manner inconsistent with the recommendations and suggestions of the ICN work product, for example, without having considered whether the ICN work product would be appropriate.

Since the ICN promotes convergence through the development of recommendations and other guidance based on multilateral discussion and broad consensus, the implementation by members of the ICN work is critical to the ICN's goal of convergence. However, the ICN does not exercise any formal rule enforcement. Where the ICN reaches consensus on recommendations, arising from its projects, individual competition authorities decide whether and how best to implement the recommendations. This flexible, practical-minded approach to developing ICN work product has fostered an environment focused on identifying and sharing best practices of antitrust enforcement. The ICN's dynamic dialogue and members' openness to the ideas and experience of others have served to build consensus and convergence. Through the ICN conferences, workshops and other means, Working Groups encourage the implementation of their projects. In this context, the objective of the Advocacy and Implementation Network Support Program (AISUP) described below is to further such efforts by promoting the ICN recommendations and other work to member agencies that seek assistance from the ICN via the AISUP described below.

Responding to the concerns raised at the SG meeting on October 17, 2007, in Paris, and the discussion at the SG meeting on March 20, 2008, the Vice Chair Advocacy and Implementation (VC A&I) and the Resource Person examined the possible ways to encourage greater implementation of ICN work products in each jurisdiction and decided to establish the support system.

In October 9, 2009, the Support System's name was changed to the Advocacy and Implementation Network Support Program (AISUP) based on a discussion by the Advocacy and Implementation Network (AIN) members.

2 Role of Advocacy and Implementation Network (AIN)

To encourage and support amendments of competition laws and agency policies that are consistent with the ICN work product, where requested, it is first necessary to remain informed about relevant legislative and policy developments among the ICN member jurisdictions. The need for, and form of, the ICN support to obtain this information may vary by jurisdiction and area.

Therefore, we have sought volunteer competition authority/authorities from across the globe (the AIN). The AIN members will keep abreast of relevant legislative and competition policy developments of other jurisdictions, with a view to identifying opportunities for the Steering Group to disseminate and promote ICN work products once the agency requests the ICN's assistance. Obtaining the assistance from the AIN members would aid the VC A&I's ability to follow competition law and policy developments. More specifically, we propose that the AIN will help the VC A&I, the Steering Group, and Working Groups:

- (i) to stay informed of competition legislation and agency policy developments around the world for the purpose of identifying opportunities for the Steering Group (in consultation with relevant Working Groups) to disseminate and promote the ICN work products and encourage implementation thereof to member agencies that request such assistance; and
 - (ii) to identify opportunities for the VC A&I (in consultation with relevant Working Groups) to assist competition authorities that request the ICN assistance with amendments of competition legislation and/or agency policy, with a view in particular to promoting the recommendations and suggestions in the ICN work products;
- and
- (iii) update the VC A&I about (i) and (ii) above, so that the VC A&I can report to the SG about competition law and policy developments of other jurisdictions.

3 Contents of the AISUP

By utilizing the AISUP, the requesting agency will receive the ICN assistance from a staff/ staffs of the other ICN member agency/ agencies "supporting agency", or their designee who has special knowledge about the relevant ICN work product (as approved by the agencies involved, including the designee's member agency). To be more specific, the requesting agency will receive a thorough explanation of the relevant ICN work products as well as advice for implementation thereof, as desired. The assistance will be provided by email or by telephone conference between the requesting agency and the supporting agency. When both parties agree, the requesting agency and the supporting agency may have face-to-face

meetings for the assistance. Also, upon request, the VC A&I may help identify experts from the ICN members for seminars or conferences held by the requesting agency, should that agency voluntarily choose to fund such assistance.

It should be noted that the AISUP is not financial.

4 Process of the AISUP

(1) Updates by AIN members

The AIN members stay informed about jurisdictions or agencies that have plans to reform their competition laws, or regulations, or agency organization or policies. The AIN will update VC A&I with information about upcoming or ongoing reform efforts, such as:

- The name of the jurisdictions or agencies planning reforms (the name or contact information of the person in charge of the reform, if available)
- The outline, background or schedule of the reform (e.g. substantive area of law, timing of reforms)

The AIN members can provide the information to the VC A&I either by email or by the AIN conference call. If an AIN member selects to provide the information in the conference call, the AIN member shall inform the VC A&I of the outline of the information in advance (e.g., 5 business days before the conference call).

(2) Confirmation of the reforming agencies' desire for assistance

The objective of the AIN is to assist those member agencies that request assistance through the AISUP in implementing the ICN recommendations and work product. Once the VC A&I receives information regarding planned or ongoing reforms from the AIN members, he (or his designee) will contact the agency in order to confirm whether the agencies would like the ICN assistance.

Any agency that would like the ICN assistance via the AISUP may contact the VC A&I directly to express its interest. In this case, the VC A&I will consult with the requesting agency, the AIN and relevant Working Groups to plan any assistance, as described below.

(3) Drafting the program for the requesting agency.

If the VC A&I confirms that the ICN assistance is desired, the VC A&I will consult with the requesting agency to develop a draft assistance program that addresses the agency's request. In drafting assistance programs, the VC A&I will help identify and solicit volunteers within the ICN who are willing to give assistance to the requesting agencies, for example through the AIN or appropriate Working Groups.

(4) Asking the AIN for comment on the requesting agency's draft program

The VC A&I will consult with the AIN and relevant Working Groups in order to seek comments on the requesting agency's draft assistance program. The VC A&I may organize a conference call, or request their comments by email if a call is not timely. The VC A&I will make necessary changes to the draft based on their comments.

(5) Implementation of the assistance program

According to the assistance program finalized by the requesting agency and the VC A&I, the supporting agency will provide the agreed assistance to the requesting agency.

5 After the implementation of the support

After the assistance is provided, the VC A&I will consult with the requesting agency on the results of the assistance program. The VC A&I will inform the AIN, the Steering Group and relevant Working Groups.

6 Progress report to the Steering Group

Concerning the AISUP and other activities of the AIN, the VC A&I compiles a Progress Report and submit it to the Steering Group based on his work plan.