

Vice Chair for Advocacy & Implementation Proposed 2009-2010 Work Plan

Mandate: The Vice Chair for Advocacy and Implementation (VC A&I) is responsible for developing and, with Steering Group approval, implementing a work plan to promote and advocate for the use of ICN work product by competition authorities throughout the world.

Goal: To promote better use of ICN work product and facilitate technical assistance for ICN members via the Support System.

Projects for 2009-2010

The VC A&I will continue to manage the Support System and AIN, and explore opportunities to improve and promote the Support System.

1. Engage Advocacy and Implementation Network (AIN). The Advocacy and Implementation Network (AIN), comprised of liaison officers for each of the ICN Working Groups, the Vice Chair for Advocacy and Implementation, and “liaison agencies” was formed in 2007 to facilitate use of the Support System and keep informed of relevant legislative and policy developments of other jurisdictions.

AIN will conduct conference call every other month, beginning in October 2009, in order to:

- Collect information on competition law and policy developments in member jurisdictions from Liaison Agencies;
- Discuss any requests, made either directly to members or via the Support System, regarding capacity building and/or ICN conformity with proposals for their legislative or internal agency changes.

The VC A&I will provide updates at the November, January and March Steering Group meetings.

2. Promote the Support System. The VC A&I will continue to promote the Support System, including through:

- Create a webpage for the ICN website with information about the Support System;
- Periodically advertise the Support System on the ICN weblog;
- Prepare a one page flyer for distribution at conferences such as the OECD’s Global Forum; and
- Explore other opportunities to promote the Support System.

The VC A&I will prepare a progress report for the October Steering Group meeting.

3. Manage the Support System. The VC A&I will continue to manage requests to use

the Support System, and oversee specific projects, reporting as appropriate to the Steering Group about new participants.

4. Build awareness of ICN work product. The VC A&I will identify opportunities to promote ICN work product (*e.g.*, the Asian Development Bank conference about competition policy in Southeast Asia, the JFTC-JICA training sessions). Updates will be provided at the November, January and March Steering Group meetings.

Vice Chair for Outreach Proposed 2009-2010 Work Plan

Mandate: The Vice Chair for Outreach is responsible for developing and, with Steering Group approval, implementing a work plan to engage ICN member agencies and nongovernmental advisors from ICN member jurisdictions in the activities of the ICN (*e.g.*, workshops, working groups, annual conferences), to encourage use of ICN work products and adoption of ICN best practices, and to ensure that the diversity of views and interests of ICN members are represented.

Goal: To promote enhanced engagement for members through three projects: (1) an outreach package for new members and member agency staff; (2) a weblog; and (3) an outreach study that will identify longer term strategies for greater and more diverse participation.

Projects for 2009-2010

Prepare an Outreach Toolkit. The Vice Chair for Outreach will prepare a package of materials for new ICN members and for member agency staff, introducing the ICN's mission, members, etc., listing the existing working groups and projects, and highlighting past work product. The package will include a PowerPoint presentation for an introduction to the ICN and its work product. The outreach toolkit will be tested in October, with the final version submitted to the Steering Group meeting in December. The Vice Chair, together with the Secretariat and the Chair of the Membership Working Group, will seek feedback regarding the utility of the toolkit and will summarize findings for the March 2010 Steering Group meeting.

Host an ICN Weblog. In order to enhance communication, increase participation in ICN projects, promote the use of ICN work product, and facilitate contact among members, the Vice Chair for Outreach will create and maintain a publicly accessible ICN blog.

- The weblog will be updated bimonthly, with text, images, and links to other web pages, blogs, and other media related to competition law and policy. Members and NGAs can propose updates through a dedicated email address, and the Vice Chair will facilitate posting. Examples of updates might include: information about an upcoming ICN workshop or questionnaire; member activities; and profile of a new ICN member.
- The weblog will include a quarterly newsletter-style posting that provides highlights of ICN activities to increase visibility of current and future projects and workshops, and profiles existing work product.
- The Vice Chair will post entries requesting, on a voluntary basis, staff contact information for a particular area of enforcement, such as mergers, and make the list available on the weblog.

Working with the Secretariat and small technology task force, host a general purpose forum. The blog will be available on the ICN website, starting in mid-September 2009. At the April Steering Group meeting, the vice Chair will report on, *inter alia*, the number of hits, subscribers to updates, and agencies submitting items.

Undertake an Outreach Study. In order to devise a longer term strategy for broader engagement of ICN members and NGAs, the Vice Chair for Outreach will make recommendations prior to the 2010 annual conference for how the ICN can better engage members and NGAs in the ICN's activities envisaged in the June 2009 concept paper (attached). The study will build on existing evaluative work (*e.g.*, 2008 Vice Chair for Outreach Report, 2009 Focus Group report, 2009 annual conference plenary session) that identifies issues related to ICN member and NGA engagement. Working with the NGA Liaison, the Vice Chair for Outreach will conduct a review of academic literature on international networks and the impact of governance on network effectiveness, and identify organizational structures and mechanisms that other networks (*e.g.*, IOSCO, BASEL II) use to facilitate member and advisor inclusiveness. Initial findings will be discussed at the January Steering Group meeting, as the Vice Chair for Outreach will present recommendations at the February meeting.

International Competition Network Outreach Study Concept Paper

June 2009

Vice Chair for Outreach
William E. Kovacic

In October 2001, fifteen competition agencies established the International Competition Network to provide a forum for antitrust agencies to address enforcement and policy issues of common interest and formulate proposals for procedural and substantive convergence through a results-oriented agenda and structure. Eight years later, the ICN's membership includes 107 competition agencies, with hundreds of non-governmental advisors (NGAs). Designed as a "project-based" organization, the number of projects increased from a handful to more than 30.

In a number of noteworthy instances, the ICN has achieved success in serving as a mechanism by which competition agencies collectively can identify superior procedures, conceptual frameworks, and analytical techniques. In doing so, it has supplied focal points for convergence based on commonly accepted standards. The network also has provided a forum for agencies to gain a better understanding of how and why their procedures and substantive approaches differ. Recent ICN projects also have placed needed emphasis on important operational issues concerning the implementation of competition policy programs.

For all its successes, the expansion of the ICN's membership and work program has created new challenges for the network. These include collective action problems associated with the growth in the number of participants and the diversity of needs among member agencies. The Network's positive contributions also have yielded the welcomed difficulty of meeting increasingly higher expectations of the global competition community.

Through the contributions of its individual members, working groups, and Steering Committee, the ICN has made considerable efforts to address these challenges and set a foundation for improvements in its work. For example, in 2007, the ICN Chair prepared a questionnaire for Steering Group members to provide their views on how to address these and other challenges. In 2008, David Lewis, who then served as Vice-Chair for Outreach, conducted an in-depth survey to understand whether the ICN is meeting members' needs and to identify which of its activities the members find most useful. This past year, the ICN Chair and Vice Chairs organized focus groups to engage in an interactive dialogue about ways the ICN could better achieve its mission. Working Groups and individual members and NGAs have engaged in a number of other evaluative initiatives.

These evaluations have clarified the hurdles that ICN must surmount to attain still more widespread and energetic participation. The network's members face many intense demands on their resources, and there is a keen awareness that the future ICN's future success depends on its capacity on a continuing basis to identify activities that members regard as valuable and worthy of their efforts. Reviewed together, the ICN's evaluation measures to date have pointed to new opportunities for outreach initiatives and have suggested themes that can guide the network's outreach program.

Four specific endeavors could help the ICN identify solutions to the challenges mentioned above. The first is to examine the ICN in light of a growing academic literature that discusses the development of international policy networks and considers how different approaches to governance influence the effectiveness of these networks. This literature offers larger conceptual perspectives on how a network can improve the quality of policy making across borders, and it presents insights on a number of practical matters that could inform the ICN's future development. Relevant topics in the latter category include the establishment of a superior organizational form, techniques for improving operational effectiveness, and approaches for engaging non-government officials in the work of a network. In the year ahead, the outreach activities of the ICN might include efforts to relate this literature to its own work. Means to this end could include a review of the literature on international network, consultations with its leading contributors, and the identification of possible lessons for the elaboration of the ICN's program going ahead.

A second approach is for the ICN to study and learn from the experience of other international networks whose core membership consists of government bodies (*e.g.*, IOSCO, BASEL II). The period since World War II has featured the establishment of many networks whose purpose, membership, and form resemble the ICN's. These groups have played a substantial role in promoting international acceptance of superior substantive concepts and operational methods in many fields of law. In building their programs, these networks have wrestled with many of the same issues of organization and operations that face the ICN. By reason of the work of other networks, there is a large body of experience for the ICN to consider. To this point ICN infrequently has tapped this source of ideas. Looking ahead, the ICN's outreach program could consult with representatives of other networks to identify organizational structures and mechanisms that might provide models for the ICN to consider. Among other subjects, the ICN could ask what steps other networks take to facilitate member and advisor inclusiveness.

A third focus for future work is to expand cooperation with academic institutions to engage academics more extensively in the work of the ICN. Relevant points of contact would include (a) individual academic programs in business, economics, law, political science, and public sector management and (b) networks of academic organizations. There is a large and growing global community of scholars whose

research and teaching interests include competition policy. A significant number of scholars have affiliations with research centers that focus on the design and operation of competition policy systems and use comparative perspectives to formulate specific research programs and conferences. The ICN's outreach activities could strengthen ties with academic researchers and their institutions with the aims of gaining their participation in ICN working groups, learning of research related to the ICN's work, and encouraging the pursuit of research projects that can inform the network's operations.

The fourth initiative is to engage in further consultations with ICN members and non-government advisors about the future direction for the network. As noted above, the ICN's leadership has undertaken several steps to enlist the assistance of members and NGAs in assessing the network's effectiveness and charting the course ahead. The coming of the network's tenth anniversary in 2011 provides an occasion to extend these consultations to carry out a still more extensive assessment of where the ICN stands today and what can do to improve upon a most encouraging beginning. The consultations can take several forms, including focus groups and individual interviews.

The inquiries sketched here can help insure that the network sets an agenda that addresses the most serious needs of its members and chooses the best possible means for dealing with them. This kind of self-assessment will help press the ICN toward fulfilling a central aim that motivated its creation: to be a demand-driven institution that promotes acceptance of superior methods, enables agencies to understand more deeply their common interests and differences, and to realize, through collective action, results that elude individual initiative.

Vice Chair for International Coordination Proposed 2009-2010 Work Plan

Mandate: The Vice Chair for International Co-ordination is responsible for developing, in consultation with the Vice Chair for Outreach and the Vice Chair for Advocacy and Implementation, and implementing with Steering Group approval a work plan to coordinate the work of ICN with that of other international organisations in a way that meets the needs of ICN members in terms of outreach, advocacy, and implementation.

Goal: The proposed work plan seeks to promote enhanced engagement between ICN and other relevant international organisations through [three] projects: (1) preparing a database of networks and organisations in competition-related activities; (2) working with ICN Working Group chairs to identify ICN work products that are particularly suitable for use in the provision of technical assistance; (3) liaising with regional networks and international organizations to identify opportunities coordinate technical assistance and outreach efforts, in particular those using ICN work product.

Projects for 2009-2010

Database of regional networks and technical assistance donors and providers. Building on the compatibility matrix and the OECD's calendar of technical assistance, the Vice Chair will prepare a database of regional networks about competition (including status, membership, activities) and technical assistance donors and providers (including active consultants) engaged in projects with competition agencies. The database will be presented to the Steering Group at the February meeting, together with recommendations as to how the ICN should work effectively with those networks and providers.

ICN materials for technical assistance. The Vice Chair for International Coordination will work with ICN Working Group chairs to identify ICN work products that are particularly suitable for use in the provision of technical assistance and prepare template package for providers (using the "Introduction to ICN" materials prepared by the Vice Chair for Outreach as a guide). This package will highlight existing ICN materials that can be used in training sessions to competition agencies. These materials will be distributed to the organizations identified in the database. Particular efforts will be made to work face to face with the OECD and UNCTAD to ensure that TA providers in those organizations understand how ICN work product can be used in their outreach programs.

Proposals for joint projects. The Vice Chair will liaise with regional networks and international organisations, especially OECD, the World Bank, and UNCTAD, to identify opportunities to streamline and coordinate technical assistance and outreach efforts, in particular those using ICN work product. In particular, the Vice Chair will undertake at least one project with OECD or UNCTAD by April 2010 on the design of a technical assistance program that integrates ICN materials, and will undertake to assist the development of the African Competition Network in collaboration with the World Bank.