



**International
Competition
Network**

**Summary of ICN Work Product
2015-2016**

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Section I: Working Groups

Advocacy Working Group

The mission of the Advocacy Working Group ([AWG](#)) is to improve the effectiveness of ICN members' advocacy activities in advancing the adoption of competition principles in government and promoting the development of a competition culture within society through the development of practical tools and guidance, and the facilitation of experience sharing among ICN member agencies. During the 2015-2016 ICN year, by the Italian Competition Authority, the Mexican Federal Economic Competition Commission and the Swedish Competition Authority were the co-chairs of the AWG. The AWG has been engaged in the following main activities:

- the Market Studies Project;
- the Benefits Project;
- the Competition Advocacy Contest Project; and,
- the Implementation Project.

Market Studies Project

The Market Studies Project consists of two components: updating the 2012 Market Studies Good Practices Handbook and updating the 2010 Market Studies Information Store. After the update, the [Market Studies Information Store](#) will be a unique record of well over 600 market studies spanning 10 years and covering more than 30 jurisdictions, sorted by jurisdiction and sector, and will serve to facilitate mutual information sharing and assistance between ICN member agencies. The **Market Studies Good Practice Handbook**, which will be presented at the ICN Annual Conference in Singapore, updates the 2012 version with the objective of enriching the accumulated experience and learning on the conduct of market studies gathered in the 2012 Handbook to also account for the experiences of new competition authorities, and to improve the format by making it more user-friendly. The Handbook suggests a number of good practices in conducting market studies, including selecting, planning, launching, carrying out and evaluating market studies.

Benefits Project

The Benefits Project seeks to provide ICN members with knowledge, strategies and arguments for explaining the benefits of competition in support of their competition advocacy efforts toward government and non-governmental stakeholders. The output will be a web-based toolbox, integrated within the Advocacy Toolkit, providing users with examples of messages and arguments, documents and case studies regarding the benefits of competition to assist them in their advocacy effort.

In 2015-2016 the AWG completed the second section of the online interactive platform, which will be uploaded on a [dedicated page](#) of the ICN website, addressing "Explaining

the Benefits of Competition to Business". This section contains tips for effective communication with businesses, key messages to business and a selection of 12 case studies.

ICN – World Bank Group Competition Advocacy Contest 2015-2016

The Contest Project aims to raise awareness of the key role of competition agencies in promoting competition and to showcase their successful advocacy stories. In 2015 the ICN and the World Bank Group launched the [2015-2016 Competition Advocacy Contest](#) after the successful [2014-2015 edition](#). The 2015-2016 edition is focused on “How to Build a Culture of Competition for Private Sector Development and Economic Growth”, and has received 42 applications from 30 different countries. The winners, whose stories will be announced at the 2016 ICN Annual Conference in Singapore, will be invited to present their stories at an ICN-World Bank Group event and be featured in a joint publication.

Implementation Project

With a view to promoting implementation and dissemination of AWG work-products, the AWG organized three teleseminars. The focus of the 2015 September teleseminar was a discussion and experience sharing around practical considerations in conducting market studies. The teleseminar represented an opportunity to increase familiarity of ICN members with the AWG work-products related to this topic, and to gather inputs from members for the Market Studies Project.

The second teleseminar was organized jointly with the World Bank in November 2015, whereby the winners of the 2014-2015 edition presented their advocacy stories. The teleseminar featured a panel of speakers representing all the 5 continents and was attended by approximately 50 people.

Finally, the AWG and the OECD jointly held a teleseminar on Competition Assessment on July 2015. The event focused on the presentation of the [ICN Recommended Practices on Competition Assessment](#) and Volume III of the OECD Competition Assessment Toolkit as well as the experiences of Greece and Mexico in implementing the Toolkit in their jurisdictions.

Agency Effectiveness Working Group

The mission of the Agency Effectiveness Working Group ([AEWG](#)) is to identify key elements of a well-functioning competition agency and develop best practices for agency strategy, planning, operations, and investigative tools and procedures. The AEWG's work explores a variety of factors that affect how competition agencies achieve their objectives in an efficient and effective way. For 2015-16, the Finnish Competition and Consumer Authority, Competition Commission of India, Norwegian Competition Authority, and United States Federal Trade Commission helped lead the AEWG. The AEWG had three areas of focus during 2015-2016: 1) new work on Agency Evaluation and Agency Ethics, 2) AEWG's outreach work, including a workshop and teleseminars, and 3) oversight of the renowned ICN Training on Demand Project.

New Work Products –Evaluation and Ethics

In 2015-16, the AEWG conducted two new projects: one addressing Competition Agency Evaluation and one on Competition Agency Ethics. Both topics were new within the ICN. The evaluation project explored common formats and expression for the results of agency evaluation; the quantification of performance, including leading workload and efficiency metrics; qualitative evaluation of performance; and how the results of evaluation are put to use by agencies. The ethics project explored agency efforts to ensure integrity in their investigative process and decision-making and prevent non-compliance with ethics rules. Thirty five member agencies provided input via surveys on the topics. Each resulting report presented common approaches and perspectives on the respective topics, aimed at provided ideas for agencies looking to improve their ethics programs or evaluation practices. These two new project reports expand the scope of the ICN's Agency Practice Manual and ICN's growing resources on the institutional and operational aspects of effective competition agencies.

AEWG's outreach work

Workshop

The AEWG, led by the Competition Authorities of Norway, Sweden and Botswana, partnered with the African Competition Forum to organize an Agency Effectiveness workshop in Gaborone, Botswana in March 2016. Over 80 participants from 23 jurisdictions attended the successful workshop, the fourth ICN event in sub-Saharan Africa. The agenda reinforced themes across AEWG's existing work, including agency strategy, prioritization, project delivery, human resources, ethics, accountability, and agency evaluation. The event also provided an overview of ICN resources and included representatives from the OECD and UNCTAD.

Expert Calls

In its ongoing quest to provide compelling discussion topics, the AEWG organized two expert calls in 2015, one on good agency principles featuring speakers from King's

College London and University of Utrecht, and another featuring OECD competition experts and their perspectives on the challenges that competition agencies face.

Implementation Efforts

In 2015, the AEWG achieved a significant accomplishment: ICN approval of Guidance on Investigative Process, the most comprehensive and meaningful agency-led effort to articulate guidance on investigative process to date. In 2015-16, the AEWG supported an effort within APEC's competition efforts to study and benchmark the Guidance with its members. The AEWG will pursue additional implementation opportunities for the groundbreaking Guidance in 2016.

ICN Training on Demand Project

No ICN project has done more to promote ICN work across the full range of topics and deliver more entertainment value doing so, than the [ICN's Training on Demand](#) (ITOD) project. The mission of the ITOD is to create a comprehensive curriculum of training materials to serve as a virtual university on competition law and practice for competition agency officials. The Project is led by the US FTC and a dedicated Project Group that includes representatives from each ICN Working Group and additional interested members and NGAs. The project engages the skills and talents of ICN members and NGAs, particularly academics, to provide a valuable new resource to build capacity and to strengthen competition policy and enforcement. Training modules, consisting of video lectures and accompanying ICN materials, provide an on-line educational center for competition authorities and others in the competition community from around the world. The modules promote ICN work products and incorporate ICN members' experiences. In 2015-16, the Training on Demand Project finalized new modules on agency effectiveness and prioritization principles, state restraints, cartel inspections and raids, advice for young competition agencies, and agency economic analysis. The Project also continues to improve its offerings of viewing formats, translations, and links to additional ICN work that enhance the usability and usefulness of the modules.

Cartel Working Group

The ICN Cartel Working Group ([CWG](#)) brings together antitrust enforcers to address the challenges of anti-cartel enforcement, enhancing the ability to eliminate both domestic and international cartels. The Working Group aims to reduce obstacles that antitrust agencies face in deterring and detecting cartels through the examination of important legal and policy topics and the exchange of effective investigative techniques. For the 2015-16 ICN year, the CWG was co-chaired by the Colombian Superintendency of Industry and Commerce, the South African Competition Commission and the Netherlands Authority for Consumers and Markets (ACM).

The CWG consists of two subgroups:

- *Subgroup 1 (SG1): Legal Framework* was co-chaired by the European Commission and the Japan Fair Trade Commission (JFTC) in 2015-16. It addresses legal and conceptual challenges of anti-cartel enforcement. The focus of the subgroup is examining policy-level issues of the institutional and investigative framework for the detection and punishment of hard-core cartel conduct.
- *Subgroup 2 (SG2): Enforcement Techniques* was co-chaired by the Australian Competition and Consumer Commission (ACCC) and the Russian Federal Antimonopoly Service in 2015-16. It aims to improve the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques and advancing the education and information sharing agenda of the CWG.

SG1: Legal Framework

Check-list of investigative powers in cartel investigations

SG1 has produced a concise document called a Catalogue of investigative powers. It lists various investigative powers that can be included in the legislative framework of competition agencies and is designed to facilitate newer and younger agencies by pointing to the investigative powers an Agency may need in order to effectively investigate cartel behaviour.

Discussion Call Series

The call series format facilitates exchanges of experiences, sharing of ideas, and learning about specific enforcement and policy efforts in other jurisdictions. Over the past working year, SG1 held two series of substantive discussion calls on a) impact of private enforcement on public anti-cartel enforcement, and b) increasing cartel deterrence through compliance programs. Altogether five calls were organized, complemented by two “Asia-Pacific friendly” timed calls. Participants in the calls were representatives from member agencies and, where such participation was permitted, also NGAs.

In the framework of the call series on impact of private enforcement on public anti-cartel enforcement, agencies and NGAs shared views on the interplay of public and private

enforcement in terms of cartel sanctioning and deterrence in the first webinar, and on the interplay between private enforcement and leniency policy in the second webinar. In the third webinar impact of private enforcement on public anti-cartel enforcement was discussed from the perspective of NGAs.

In the framework of the call series on increasing cartel deterrence through compliance programs, in the first webinar agencies and NGAs discussed different types of compliance culture and actions to raise awareness in order to help companies to comply. In the second webinar agencies exchanged their views on the consideration of compliance programs in calculating fines. Both call discussion series were well received and attracted significant CWG participation from member agencies and NGAs worldwide.

SG2: Enforcement Techniques

Establishing a framework for the promotion of the sharing of non-confidential information

A key aim of the CWG is to aid members in their anti-cartel enforcement; one way in which it does this is by facilitating improved cooperation between member agencies. During 2015-16 SG 2 developed and implemented a framework for the promotion of the sharing of non-confidential information. This framework is intended to assist competition agencies in knowing how to, and whom to, contact in international counterpart agencies when seeking non-confidential information. The framework was implemented in early 2016, by February 2016 approximately 50% of CWG members had registered their participation. The CWG will continue to support and promote the framework in 2016.

Update to Anti-Cartel Enforcement Templates

During 2015-16, SG2 continued the process of updating the Anti-Cartel Enforcement Templates, which provide public access to information about ICN members' anti-cartel enforcement regimes. The templates cover a range of topics, including the process for filing a complaint, decision-making, sanctioning cartel conduct, investigative tools, leniency, rights of defendants and confidentiality. Templates can be found on the [ICN website](#).

ICN Cartel Workshop 2015

The 2015 ICN Cartel Workshop was hosted by the Colombian Superintendence of Industry and Commerce (SIC) in Cartagena from 19 to 21 October, 2015. During the Workshop, discussions focused on strategies to enhance cooperation and convergence in sanctioning international cartels. An important outcome of the workshop was the endorsement of a statement by participants recognising that Competition agencies have the responsibility to detect cartels and to ensure deterrence of such conduct through appropriate sanctions. The statement noted that significant sanctions are one of the most effective measures to achieve the goal of deterrence.

128 participants attended the workshop. 92% of the participants indicated the workshop significantly or relatively improved their knowledge and skills as a cartel investigator. Attendees showed particular interest in the subjects directly connected to enforcement work and digital evidence. The Colombian authority was an excellent host. The Working Group noted that the SIC strategically timed the Cartel Workshop, so that it was followed by a high-profile national conference. This strengthens the link between international cooperation on cartel enforcement within ICN and the achievement of national enforcement goals.

Merger Working Group

The mission of the ICN Merger Working Group ([MWG](#)) is to promote the adoption of best practices in the design and operation of merger review regimes to: (i) enhance the effectiveness of each jurisdiction's merger review processes; (ii) facilitate procedural and substantive convergence; and (iii) reduce the public and private time and cost of multi-jurisdictional merger reviews. For the 2015-2016 ICN year, the European Commission's Directorate-General for Competition, the Canadian Competition Bureau and French Autorité de la concurrence co-chaired the MWG.

Project on International Merger Enforcement Cooperation

The Practical Guide to International Merger Enforcement Cooperation was adopted at the 2015 Annual Conference in Sydney. It provides practical guidance on cooperation among agencies in the review of multi-jurisdictional mergers. It sets out principles, tips and practices, which cooperating agencies may seek to apply to the extent consistent with their respective laws and enforcement obligations. In doing so, it draws on the practical experiences of MWG member agencies and NGAs. The Practical Guide also covers the cooperation recommended practices contained in the Recommended Practices for Merger Notification and Review Procedures. The Practical Guide is intended to serve as: (i) a voluntary and flexible framework for interagency cooperation in merger investigations; (ii) practical guidance for agencies seeking to engage in such cooperation; and (iii) practical guidance for parties and third parties seeking to facilitate cooperation. Following the discussions held at the MWG Workshop in Brussels (Belgium) in September 2015, the MWG will now focus implementation of the Practical Guide, for example, by studying impediments to waivers and dissemination (e.g., legal barriers, lack of experience in international cooperation leading to mutual trust among agencies, confidentiality concerns, etc.) and ways to promote the use of waivers.

Project on Remedies in Merger Review

The objective of this Project is to review and update the fundamental principles of appropriate and effective remedies and the application of those principles when designing and implementing merger remedies as first introduced in the 2005 Merger Remedies Review Report ("Report"). Following a year of fact finding and information sharing amongst members, an Interim Report on Remedies in Merger Review was adopted at the 2015 ICN Annual Conference. The Interim Report compiled the main takeaways from a series of experience sharing MWG teleseminars on merger remedies held in 2014-2015. Using this Interim Report and drawing on the experiences of many member agencies and NGAs, a Draft Outline relating to the relevant principles and current considerations when designing and implementing merger remedies was prepared. This process benefited from the Practical Guide to International Enforcement Cooperation in Mergers (2015), as remedies in cross-border mergers have increasingly become a key area of cooperation and new challenges need to be addressed. The Draft Outline was discussed by the MWG

membership during a teleseminar on September 10, 2015 and at the plenary and breakout sessions of the MWG Workshop held in Brussels later in September 2015. Further to that preparatory work, drafting of the Merger Remedies Guide began. The draft Mergers Remedies Guide maintains the fundamental principles and considerations for the effective design and implementation of merger remedies established in 2005 and elaborates on the Draft Outline by setting out a more detailed framework for considering key aspects of structural and non-structural remedies, relevant provisions to include in a remedy order, how to ensure the effective implementation of those provisions, as well as procedural considerations regarding timing. It provides conceptual and practical guidance for agencies and merging parties seeking to address competition issues raised by domestic and multijurisdictional mergers. Drafts of the Merger Remedies Guide were discussed by the MWG during a Teleseminar on February 16 and through email exchanges. The final work product will be presented at the ICN 2016 Annual Conference in Singapore. During 2016-2017, the MWG will implement and road-test the Merger Remedies Guide. Teleseminars may be held to discuss how to do so. 2017-2018 will be dedicated to the implementation and dissemination of the final work product.

2015 Merger Workshop (Brussels, Belgium)

The European Commission's Directorate-General for Competition hosted the 2015 Merger Workshop in Brussels, Belgium on the 24 and 25th of September. Simultaneous translations of the plenary sessions in English, French and Spanish were provided.

The first plenary and breakout sessions focused on remedies in merger cases. The second plenary and two breakout sessions were dedicated entirely to the issue of international cooperation. Another breakout session explored investigative techniques and the gathering of evidence in merger review. In terms of Outreach, one breakout session was dedicated to the issues raised by merger review in younger agencies and allowed those to share experiences in particular with other ICN members facing similar challenges. That session stressed the crucial role of cooperation and contacts between all agencies (both experienced and young) and of advocacy in changing the compliance culture in a given country. The 10-year anniversary of the Recommended Practices on Merger Notification and Review Procedures was celebrated at a dedicated plenary. A hypothetical case study was presented and discussed at a plenary and four breakout sessions, one of them in French, and another dedicated to young agencies.

Work to Promote Familiarity with, Use, and Implementation of MWG Work Products

In 2015-2016, the MWG continued to promote the familiarity with and use of recent work products, including the two sets of MWG Recommended Practices.

- Two breakout sessions were dedicated to young agencies during the Merger Workshop held in Brussels in September 2015. Specific attention was also given at that Workshop to promoting the familiarity with, use and implementation of MWG work products (including the Practical Guide to International Merger Enforcement Cooperation).

- Merger Notifications and Procedure Templates were updated and uploaded on the ICN website. The Templates provide background on the jurisdictions' merger laws, rules, and procedures and serve as a tool to help competition agencies and the public learn about merger control in ICN jurisdictions. In particular, competition agencies can use templates as a transparency tool, i.e., a tool for benchmarking themselves against other agencies, allowing agencies to see what their international counterparts are doing in terms of ICN Recommended Practices and whether they are converging or diverging. The templates are also beneficial for the private sector/merger parties since they help provide an agency-led source on merger rules to the private sector and can help clear up any misunderstanding of an agency's merger rules
- The MWG continued to update and improve the MWG page on the ICN website, including adding materials from the 2015-2016 teleseminars and the MWG Workshop in Brussels.
- The newly-launched RPs Implementation Project will seek to assess the level of use and implementation of the RPs on Merger Notification and Review Procedures. To that effect, an online self-assessment questionnaire was circulated to find out how the RPs are being implemented by ICN members. The results of this exercise will provide helpful insight on current use of the RPs and ideas for forthcoming MWG implementation efforts, including a potential updating of the RPs.
- In 2012, a [Framework for Merger Review Cooperation](#) among interested member agencies was established. The Framework provides contact details of agency liaison officers and facilitates information exchange among agency case teams. The JFTC administers the Framework. As of March 2015, 57 competition authorities have joined this Framework. This Framework was further promoted at the Workshop in Brussels. It was also put to use to distribute the online self-assessment questionnaire as part of the RPs Implementation Project.

Unilateral Conduct Working Group

The Unilateral Conduct Working Group ([UCWG](#)) was established at the fifth annual ICN conference in May 2006. Its primary objectives are to examine the challenges involved in analyzing unilateral conduct of dominant firms and firms with substantial market power, facilitate greater understanding of the issues involved in analyzing unilateral conduct, and promote convergence and sound enforcement of laws governing unilateral conduct. For the 2015-16 ICN year, the US Department of Justice, the Turkish Competition Authority and United Kingdom Competition and Markets Authority co-chaired the UCWG.

Chapter on the analytic framework

During the last year, the Working Group continued to develop a “workbook” on the analysis of unilateral conduct, starting a two year project to produce a chapter on the analytic framework. Previous chapters drafted by the Working Group focused on [Assessing Dominance/Substantial Market Power](#), [Objectives of Unilateral Conduct Laws](#), [Predatory Pricing Analysis and Exclusive Dealing](#), [Tying and Bundling](#).

The purpose of this Workbook chapter is to pose and explore basic questions an agency must address in formulating its enforcement policies. In the first year of two years the UCWG held teleconferences to discuss the question ‘What is Dominance?’ and ‘What makes conduct exclusionary?’

Webinars

The Working Group also held two successful webinars. The first dealt with the unilateral conduct and two-sided markets and the second with remedies in unilateral conduct cases. Recordings of the webinars are posted on the [ICN website](#).

Workshop

The Working Group held a successful workshop on 12th and 13th November in Istanbul on refusal to deal. The workshop involved a detailed hypothetical where participants explored the different stages of a refusal to deal case, including: developing a theory of harm; planning the investigation and developing reliable evidence; analyzing and evaluating reliable evidence; a mock meeting with the parties; and remedies. There were a total of 93 participants from more than 40 countries including 18 NGAs. Materials from the workshop can be found online on the [workshop website](#).

Section II: Steering Group Initiatives

ICN Chair

Second Decade Follow-up Survey

The 2015 Annual Conference in Singapore is an occasion to celebrate the ICN's 15th year and halfway point of the ICN's Second Decade. Following a very successful Second Decade survey which was conducted in 2010/2011 and a very lively discussion in Sydney, the Steering Group decided to conduct a follow up to ensure that the ICN still meets its members' needs and that ICN work products have the desired impact. To this aim a new survey of ICN members was launched in April 2015 and 75 agencies and 62 NGAs participated in this exercise. The member survey and the NGA survey are key elements of the exercise currently being conducted by the SG to position the ICN for the second half of this decade. The findings of these two surveys will be presented at the 2016 ICN Annual Conference and serve as a basis for future discussions.

ICN Newsletters

To improve the internal information flow of the network and to further increase inclusiveness, the ICN Chair has decided to send regular updates on ongoing work and news to members and NGAs. The aim of this "ICN newsletter" from the Chair is to reach out in particular to members and NGAs who are not yet involved in our work on a regular basis.

Town Hall Teleconference series

The Steering Group has agreed that the ICN Chair will lead regular discussions on general policy issues and potential new topics that the ICN might deal with and which are not yet covered by the regular planning of the existing Working Groups. In 2015-2016 the ICN Chair launched the Town Hall Teleconference series dealing with

- public interest considerations in merger cases (3 February 2016);
- industrial policy considerations (8 March 2016); and
- State-owned enterprises (12 April 2016).

Advocacy and Implementation

This Steering Group (SG) project aims to promote and advocate for the use of ICN work product by competition authorities throughout the world.

Vice-Chair for Implementation

During the 2015-2016 ICN year, the Vice-Chair for Implementation launched a relevant stocktaking related to ICN members' implementation stories. This project is an effort to engage ICN members in sharing if and how ICN work products have been helpful, what are

the main challenges related to the implementation of the Network products and who are the principal stakeholders working on implementation in each agency/jurisdiction. It is, indeed, a relevant approach in order to understand how the ICN work products have been used and which have been more useful, especially regarding capacity building. More than 20 authorities have contributed to the stocktaking and the qualitative information gathered is very interesting and insightful.

The discussion paper resulting from the stocktaking presents the types of implementation related to 1) antitrust enforcement; 2) capacity building; and, 3) promotion of the competition culture. Many ICN work products have been quoted, evidencing the relevance of the ICN work and the Network products to the competition community.

The Vice-Chair for Implementation has also organized a BOS on implementation at the ICN 2016 Annual Conference in Singapore, where the discussion paper and some implementation stories will be presented. The BOS will be an excellent opportunity for ICN members to share their insights, challenges and expectations related to the implementation at the Network.

Advocacy and Implementation Network (AIN)

The JFTC, the AIN Chair and AIN members which is comprised of Co-Chairs of each Working Group updated the ICN Work Products Catalogue which is used for identifying work products relevant to the needs of recipient agencies. To make it much easier for non-English-speaking members to refer, links of work products translated in other language such as French, Spanish and Arabic were put on the catalogue. It is available on the ICN website. AIN introductory kit containing the ICN Work Products Catalogue was disseminated to new ICN members in cooperation with the Membership Working Group. Furthermore, the JFTC distributed USB memory sticks including the electronic data of ICN Work Products at various ICN and other relevant events such as those organized by UNCTAD and APEC.

With respect to promoting AIN and AIN Support Program (AISUP), the JFTC, as the AIN Chair, contributed to an optional breakout session on the ICN introduction by making a brief report on the outline of the AIN and the implementation of AISUP during the 2015 Annual Conference in Sydney.

To build awareness of ICN work products as well as AIN and AISUP activities, the AIN promoted ICN work products including introduction to AIN and AISUP by taking advantage of opportunities at various events including the ICN related events. For example, the JFTC made a brief presentation at the technical assistance program for developing countries held in Japan in August-September 2015, African Workshop Forum Workshop held in Paris in October 2015 and ICN Agency Effectiveness Workshop held in Botswana in March 2016. And also, the APEC workshop held in Lima on February 2016 dealt with ICN Guidance on Investigative Process, and member economies made presentations on their investigative process in comparison with the Guidance. In addition, as already mentioned, the USB sticks including AISUP Flyer were distributed at various ICN and other relevant events.

In 2015-2016, new technical assistance through AISUP was launched for Ethiopia and Tanzania. As a result, the technical assistance through AISUP has been implemented or is to be implemented to recipient agencies from Ethiopia, India, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tanzania, Trinidad and Tobago, and Zambia by supporting agencies from the following jurisdictions: France, Germany, Italy, Mexico, Russia, United States (US FTC) and Mauritius.

Member and NGA Engagement and Outreach

Vice Chair for Member and NGA Engagement and Outreach

Several projects under the initiative of the *Vice Chair for Member and NGA Engagement and Outreach* have been successfully carried out.

Member engagement

Lighthouse work products such as Recommended Practices have been translated to facilitate member engagement. In addition to their English version, the Recommended Practices on competition assessment now exist in Arabic, French and Spanish, and the Recommended Practices for merger analysis in French.

Teleseminars to present work products are organized on a regular basis in French or in Spanish to better involve non English speaking members.

Some ICN events now offer breakout sessions in languages other than English as well as the translation of plenary sessions (e.g., at the Merger Workshop in Brussels, Belgium, in September 2015).

Special teleconferences are also proposed as it was the case with African francophone members to encourage their participation to the ICN 2014 Annual Conference in Morocco. This event did set a strong precedent in the ICN as it was the first ever annual conference to have simultaneous translation of plenary sessions into Arabic and French, as well as breakout sessions run in French.

In preparation of the ICN 2016 Annual Conference in Singapore, a special teleconference was dedicated to younger agencies to maximize their participation at the conference and in the ICN in general.

NGA engagement: the NGA Liaison

The NGA Liaison helps better engage NGAs from diverse backgrounds and geographic distribution to participate more actively in the ICN, so that the network can benefit from a wide spectrum of views and interests.

Initiatives in support of NGA Engagement

Building on the NGA Toolkit, produced in the year 2011-2012 and addressed to members and NGAs on how NGAs can be more active, the Welcome Track was launched and

approved in the year 2012-2013, again under the leadership of Vice Chair and NGA Liaison Bruno Lasserre.

With the view to foster not only NGA engagement, but also member engagement, especially new members and less or non active members, the Welcome Track is intended to members to encourage them to be more active. Available on the ICN website, the Welcome Track is organized like a checklist to guide interested members through important phases of the ICN. It includes the eight following steps:

Step 1 - Applying for membership, Step 2 - Becoming a member,

Step 3 - Getting the assistance of “a welcoming guide”,

Step 4 - Getting familiar with the ICN through calls for new members,

Step 5 - Getting involved in one or more Working Groups,

Step 6 - Recruiting NGAs,

Step 7 - Interacting in person with other members and NGAs, and

Step 8 - Having rendez-vous calls with your “welcoming guide”,

Two major initiatives will be undertaken during the year 2016-2017: the setting up of a database of NGAs and the updating of the NGA Toolkit.

Breakout session on NGA engagement at ICN Annual Conferences

At the 10th ICN Annual Conference in The Hague a new breakout session dedicated to NGA Engagement was inaugurated. This initiative has been pursued ever since.

At the 14th ICN Annual Conference in Sydney, William Kovacic presented the full results of the mapping effort carried out toward the Academic Hubs Project, which seeks to foster cooperation between academics and the ICN by mapping out all academic hubs specialized in competition law and policy in the world. The NGA Engagement breakout session also discussed how to enhance NGAs’ involvement and coordination. The 15th ICN Annual Conference in Singapore will continue to focus on NGA involvement and coordination by launching two initiatives: the setting up of a database of NGAs and the updating of the NGA Toolkit. The session will also be an opportunity to think about and develop the role of NGAs toward younger agencies.

ICN Blog

In November 2009, the ICN launched an online ICN Blog & Bulletin Board. The ICN Blog serves as a virtual bulletin board for updates and highlights about ICN events, ICN work, member agencies, and the international competition community at large. The ICN Blog’s audience has grown substantially, with over 600 visits each day during 2015-2016. Typical postings include notices of ICN teleseminars, ICN newsletters, workshop and conference updates, and policy and enforcement news from member jurisdictions. This year, the Blog started a “do you know ICN resources?” series, highlighting links to older, existing ICN work product. The US FTC manages the ICN Blog at www.icnblog.org.

Section III: Operational Working Groups

Operational Framework Working Group

The Operational Framework Working Group ([OFWG](#)) was established at the first ICN Annual Conference in Naples, Italy in September 2002. The mission of the OFWG is to provide recommendations on operational and governance issues of the ICN to the SG. In 2015-2016, the Brazilian Administrative Council for Economic Defense (CADE) and the Federal Antimonopoly Service of the Russian Federation chaired the OFWG.

2015-2016 Summary of Work

In 2015-2016, the OFWG continued the discussion and presented the report on the participation of ex-officio members of the Steering Group. The group also continued the discussion on financing of ICN events. One of the main suggestions of the Steering Group was to base our discussion, namely regarding organizational issues and eventual creation of participant fees, on past Annual Conference experiences. In this sense, a stocktaking has been launched in order to gather information with former host agencies that have organized previous Annual Conferences. This stocktaking aims at using this information to create potential scenarios for the OFWG discussion and to present some recommendations and possibilities regarding the financing issues to the Steering Group.

Membership Working Group

The Membership Working Group, co-chaired by the Korea Fair Trade Commission and the Comision Nacional de los Mercados y la Competencia of Spain, was established at the first ICN Annual Conference in September 2002. Its main purpose is to accept applications for ICN membership from competition agencies around the world, examine them under the criteria for membership set out in the Operational Framework of the ICN and refer the case to the SG for the members' review and consensus.

Since the 2014 ICN Annual Conference, the Membership Working Group has reviewed applications for entry to the ICN and the SG approved the following new ICN members:

- Competition Protection Authority, Kuwait;
- Committee of the Protection of Competition and Prohibition of Monopolistic Practices, Qatar;

The new and successive members noted above help make the total number of the ICN membership mark **132 agencies from 119 jurisdictions as of 18 March 2016.**

Appendix: Overview of ICN Working Group Achievements 2015-2016

Advocacy WG	<ul style="list-style-type: none"> ▪ The Competition Benefits Project: online section on explaining the benefits of competition to business. ▪ The Market Studies Information Store ▪ The Market Studies Good Practice Handbook ▪ ICN – World Bank Competition Advocacy Contest ▪ Three teleseminars
Agency Effectiveness WG	<ul style="list-style-type: none"> ▪ Competition Agency Ethics (chapter for ICN Agency Practice Manual) ▪ Competition Agency Evaluation (chapter for ICN Agency Practice Manual) ▪ ICN Training on Demand project modules <ul style="list-style-type: none"> ▪ agency effectiveness and prioritization principles ▪ state restraints ▪ cartel inspections and raids ▪ advice for new and young competition agencies ▪ agency economic analysis ▪ AEWG Workshop in Gaborone, Botswana ▪ Teleseminars on good agency principles and young agency challenges
Cartel WG	<p>Sub Group 1</p> <ul style="list-style-type: none"> ▪ New guidance – Catalogue of investigative powers ▪ Discussion call series on impact of private enforcement on public anti-cartel enforcement ▪ Discussion call series on increasing cartel deterrence through compliance programs <p>Sub Group 2</p> <ul style="list-style-type: none"> ▪ Annual ICN Cartel Workshop hosted by the Colombian Superintendence of Industry and Commerce (SIC), October, 2015 ▪ Framework for the promotion of the sharing of non-confidential information ▪ Anti-Cartel Enforcement Template Update

Merger WG	<ul style="list-style-type: none"> ▪ Practical Guide to International Merger Enforcement Cooperation ▪ 3 teleseminars held to facilitate the creation of the Merger Remedies Guide ▪ Workshop held in September 2015 in Brussels, Belgium (sessions held on international cooperation, remedies, investigative techniques, recommended practices, outreach projects and hypothetical case study). ▪ Work to promote the familiarity, use and implementation of MWG work product: (i) panels dedicated to outreach and implementation during MWG workshop Brussels; (ii) updated version of the merger notification and procedure template; (iii) Update of webpage. ▪ Framework for Merger Review Cooperation (continued administration)
Unilateral Conduct WG	<ul style="list-style-type: none"> ▪ Teleseminars on ‘What is Dominance?’ and ‘What makes conduct exclusionary?’ as part of the UCWG’s two year project on the analytical framework. ▪ Workshop in Istanbul on refusal to deal. ▪ 2 Webinars on (i) Two-sided markets and unilateral conduct; (ii); and Remedies in Unilateral Conduct Cases.
AIN	<ul style="list-style-type: none"> ▪ Activities to engage the Advocacy and Implementation Network ("AIN")(reaching out to younger agencies; updating catalogue of work products) ▪ Activities to promote the AIN and the AIN Support Programme (AISUP) ▪ Implementation of AISUP assistance ▪ Building awareness of ICN work products
Operational Framework WG	<ul style="list-style-type: none"> ▪ Discussion at SG request concerning (i) role of ex officio membership of the Steering Group and alignment with elections for the Steering Group and (ii) alternative financing of ICN events
Membership Working Group	<ul style="list-style-type: none"> ▪ This year two new member agencies joined the ICN (competition authorities from Kuwait and Qatar)