



INTERNATIONAL COMPETITION NETWORK

Summary of ICN Work Product

**Presented at the
10th Annual Conference of the ICN**

**The Hague, Netherlands
May 18-20, 2011**

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Section I: Advocacy Working Group

Introduction

The mission of the Advocacy Working Group (AWG) through 2010-11 was to develop practical tools and guidance, and to facilitate experience sharing among ICN member agencies, in order to improve the effectiveness of ICN members' advocacy activities in advocating the adoption of competition principles in government and promote the development of a competition culture within society.

The working group is co-chaired by the United Kingdom's Office of Fair Trading and the Russian Federal Antimonopoly Service. In 2010-11 the AWG included 43 ICN member jurisdictions and 18 non-governmental advisors (NGAs) representing the legal, economic and academic communities, as well as consumer organisations. In 2010-2011 the group was no longer divided into sub-groups and implemented its projects by joint efforts of its members and co-chairs.

The AWG engaged in four projects in 2010-11:

1. Competition Advocacy Toolkit.
2. Competition Advocacy Postings
3. Market Studies Information Store and Market Studies Good Practice Handbook Road Testing
4. Competition Advocacy Experience Sharing Teleseminars

The work of these four projects is summarised below.

Competition Advocacy Toolkit part 1: advocacy process and tools

In 2010-11 the AWG restored and updated the former ICN Toolkit for Effective Advocacy, preparing a new part 1 focusing on the advocacy process and tools. Part 1 of the Toolkit is organised into the following components:

Component 1: What are the relevant competition advocacy issues?

Component 2: Who are the key stakeholders? How should we engage with them?

Component 3: Implementation and monitoring of advocacy activity.

Component 4: Evaluating effectiveness of advocacy interventions.

Each component of the Toolkit includes case studies from ICN member agencies, giving examples of how competition agencies conduct their advocacy activities in practice. The case studies describe the various steps in a particular advocacy project,

with a particular focus on the relevant component. Thus the Toolkit provides an overview of the advocacy process and the range of tools available in order to:

- share and disseminate alternative approaches to advocacy across competition agencies; and
- provide a useful, practical guide to competition agencies looking to amend or refresh their current approach.

In 2011-2012 the AWG will complete part 2 of the Competition Advocacy Toolkit, focusing on communications and public relations. The former ICN Toolkit for Effective Advocacy will provide the basis for part 2 of the updated Toolkit.

Competition Advocacy Postings

To complement the Toolkit, the AWG has created a Competition Advocacy Postings facility on the ICN website¹ to enable ICN member agencies and non-governmental advisers (NGAs) to post their notes, articles, pronouncements, statements, and messages on competition advocacy matters for wider discussion by the ICN membership, NGAs, competition professionals, scholars, and the general public. The first postings have already been made and the AWG intends to use the postings facility to gather information for future projects, and as a means of sharing experience among ICN members and NGAs.

Market Studies Information Store and Market Studies Good Practice Handbook Road Testing Report

The Market Studies Good Practice Handbook, developed for 2010, highlights common approaches in conducting market studies and covers the different phases of such a study. It was decided to road-test the Handbook before publishing the final version at the Annual Conference in 2011. The road-testing was conducted with the help of two instruments. A questionnaire was sent to all ICN member agencies requesting them to rank the good practices identified in the Draft Market Study Handbook. Also, more detailed road-testing was conducted by individual members of the Advocacy Working Group. The AWG also road-tested the Market Studies Information Store to find out about usefulness and usage levels. A report of these road-testing exercises has been produced for conference.

Road-testing of the Handbook has produced very positive results, with the almost all of the good practices cited in the Handbook having been rated at or above 4 out of 5

¹ The posting facility can be found here: www.internationalcompetitionnetwork.org/working-groups/current/advocacy/postings.aspx.

on a scale of usefulness, and no clear-cut examples of individual good practices that are unsupported or wrong. The results also revealed useful feedback that some good practices could be clarified further. In relation to the Market Studies Information Store, usage levels and feedback indicated that there is scope to update the information store and publicise its contents more widely.

Separately during 2010-2011, the Chilean FNE and the Mexican CFC translated the Draft Market Studies Good Practice Handbook into Spanish.

Competition Advocacy Experience Sharing Teleseminars

In the reporting period the AWG organized four experience sharing teleseminars addressing the following topics:

‘The Draft ICN Market Studies Good Practice Handbook’ held on January 13, 2011. This teleseminar reported back on the findings from the questionnaire and invited discussion of key issues. It was organised with a view to enabling competition agencies to share understanding and good practice and to learn from each other. Input from attendees informed future revisions to the draft Good Practice Handbook. In the session speakers from Chile, Croatia, France, Germany, Mauritius, South Africa and the UK presented the findings of the questionnaire and presented for discussion among all participants of the Webinar some of the key issues that emerged. The session was moderated by a speaker from the US Federal Trade Commission.

‘Compliance with Competition law’ held on January 17, 2011. This was the first seminar organized jointly by two ICN Working Groups: AWG and Cartel Working Group. Speakers from Japan, Mexico, the Netherlands and the United Kingdom discussed the ways in which they had engaged with the private sector in order to encourage compliance and prevent future violations, as well as methods of evaluating corporate competition law compliance programmes and contributing to their improvement. Research into specific ‘drivers’ of compliance, as well as the provision of guidance for businesses in general, and directors in particular, were also addressed.

‘Competition advocacy in transportation sector’ held on February 7, 2011. Speakers from Bulgaria, Russia, Spain, the United Kingdom and the United States discussed the experience of their agencies in advocating competition in various segments of the transportation sector.

‘Competition Advocacy with Lawmakers’ held on March 28, 2011. This teleseminar reported the recent experience of competition authorities of Chile, France, Mexico, Poland, Spain and Zambia in promoting competition principles in legislation and regulations already approved or being considered by the lawmaking bodies. Issues

included influencing government policies and regulations to lower barriers to entry, supporting the liberalization and deregulation processes of selected sectors, convincing authorities to refrain from adopting anti-competitive measures, making law-makers more familiar with the benefits of competition. Using real-life examples the speakers explained the use of various competition advocacy tools that proved to be effective in advocating competition principles with the lawmakers, including lobbying / meetings, preparing and presenting competition agency reports and market analyses, providing opinions and comments on draft legal acts and assessing their impact on competition. The session was moderated by an NGA from the American Antitrust Institute.

Section II: Agency Effectiveness Working Group

The Agency Effectiveness Working Group (AEWG) started its activities at the 8th Annual Conference in Zurich in 2009. The AEWG is the successor of the Competition Policy Implementation Working Group. The AEWG is currently co-chaired by Brazil Council for Economic Defence (CADE) and the Turkish Competition Authority (TCA).

The mission of the AEWG is to identify key elements that contribute to the successful capacity building and competition policy implementation in developing and transition economies by making use of those more experienced agencies' knowledge and other relevant recommended practices. To this end, the effectiveness of competition agencies constitutes the primary focus of the AEWG.

During the Zurich Annual Conference, the AEWG was given the mandate of the preparation of a comprehensive "Competition Agency Practice Manual" (Agency Manual).

In this framework, in 2010 the AEWG continued work on drafting the Effective Project Delivery (EPD) chapter, which will constitute the second chapter of the Agency Manual. This project is being coordinated by the competition authorities from Mexico, Netherlands and Pakistan.

The AEWG also began work on a chapter on Effective Knowledge Management (EKM), which will constitute the third chapter of the Agency Manual. The competition authorities from Chile and Egypt are the project leaders responsible for the coordination of this project. To that end, the project leaders circulated a comprehensive questionnaire to ICN members with the purpose of gathering information regarding their understanding and implementation of knowledge management (KM). This information, among others, will help the AEWG (and thus all ICN members) to understand how KM is addressed by different competition agencies and prepare a chapter outlining competition agency approaches to KM and elements of effective KM systems that may serve the needs of competition agencies to the extent possible.

In this vein, the "draft EPD chapter" and the "draft summary of answers to the EKM questionnaire" will be presented for discussion at the 10th Annual Conference in The Hague.

In 2010, the AEWG also held an Agency Effectiveness workshop for heads of agencies in London on 12-13 July 2010, hosted by the UK OFT. The theme of the workshop was ‘people and knowledge management’, and covered three broad topics: ‘organisational identity/agency culture’, ‘getting the best out of your people’, and ‘leadership and succession planning’. It was attended by some 50 ICN member agencies and aimed to be an event at which agency heads could explore challenging issues in the development of their organizations in a collegiate and confidential setting. This was the second ICN Agency Effectiveness workshop, following on from the successful workshop hosted by DG Competition of the European Commission in Brussels in January 2009.

In 2011, the projects of the AEWG will be finalizing the EPD chapter and drafting the EKM chapter of the Agency Manual as well as initiating the work on the Human Resources Management chapter.

Section III: Cartel Working Group

Introduction

The ICN Cartel Working Group brings together antitrust enforcers to address the challenges of anti-cartel enforcement, enhancing the ability to shut down both domestic and international cartels. The Working Group aims to reduce obstacles that antitrust agencies face in cracking cartels through the examination of important legal and policy topics and the exchange of effective investigative techniques.

As of the Annual Conference in the Hague, the Cartel Working Group ('CWG') will be co-chaired by the European Commission, the Hungarian Competition Authority and the Japan Fair Trade Commission. It consists of two subgroups:

- *Subgroup 1: Legal Framework* ('SG1') is co-chaired by the US DoJ and the Brazilian SDE. 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: Enforcement Techniques* ('SG2') is co-chaired by the Australian Competition and Consumer Commission and the Canadian Competition Bureau. 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 Cartel Working Group.

Subgroup 1: Legal Framework

Discussion Call Series

Over the past year, SG1 has held a series of substantive discussion calls addressing cartel awareness and outreach efforts. The aim of the call series format is for cartel enforcers to exchange experiences, share ideas, and learn about specific enforcement and policy efforts in other jurisdictions. The discussion series topic this year included the promotion of leniency programs, outreach to businesses, compliance programs, training and promoting awareness of indicators of potential cartel activity among public procurement officials, and unique cartel awareness initiatives including videos, commercials, comic books, and other images. The speakers were a diverse group of members and NGAs, including several new to the Cartel Working Group.

In conjunction with the discussion series, SG1 solicited examples of cartel awareness and outreach materials used by member agencies. The project received an

overwhelming response; materials from over 60 member jurisdictions (and growing) make it the most widely representative ICN working group project. The collection of materials has been categorized and posted on the ICN website, making it the world's largest collection of cartel awareness and outreach materials. Members are encouraged to offer additional materials for the collection.

The call discussion series attracted unprecedented CWG participation. In total, over 40 member agencies participated in the series of calls. The calls averaged more than 75 participants from nearly 25 jurisdictions and included a significant number of NGAs. The call series included two novel format innovations: one of the series calls was a joint effort with the Advocacy Working Group – the first such joint ICN WG discussion call – and another topic was addressed over two calls held within a 24 hour period, with a “Pacific-friendly” timing option – another ICN first.

The discussion series on cartel awareness and outreach coincides with related Working Group efforts on the topic. A panel discussion on cartel awareness and outreach was conducted at the 2010 ICN Cartel Workshop, and both topics were also discussed during the plenary panel and breakouts at the 2011 ICN Annual Conference, Cartel Working Group session.

Subgroup 2: Enforcement Techniques

Anti-Cartel Enforcement Manual

During 2010-2011, Subgroup 2 drafted a new Anti-Cartel Enforcement Manual chapter. The drafting team was comprised of four ICN member agencies: the Bundeskartellamt, the Canadian Competition Bureau, the Jersey Competition Regulatory Authority and the Hungarian Competition Authority.

New Compilation of Good Practices from the Anti-Cartel Enforcement Manual

During 2010-2011, the good practices contained in the various Anti-Cartel Enforcement Manual chapters were compiled into a single document. This Compilation of Good Practices was drafted by the Hungarian Competition Authority.

Panel discussion replicating an interesting 2010 Cartel Workshop panel via teleconference

Subgroup 2 replicated the 2010 Cartel Workshop panel on 'Ex Officio Detection' via a conference call.

Update to Anti-Cartel Enforcement Templates

During 2010-2011, Subgroup 2 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 at:

www.internationalcompetitionnetwork.org/working-groups/current/cartel/templates.aspx

Cartel Workshop

The Japan Fair Trade Commission hosted the 2010 Cartel Workshop in Yokohama from 5-7 October 2010. The theme of the 2010 Workshop was the efficient detection, investigation and punishment of cartel conduct, with the aim of making the best use of agency resources. Approximately 150 participants from more than 50 jurisdictions joined the workshop, including about 40 Non-Governmental Advisors. On Day 1, participants explored cartel awareness and outreach, and discussed methods of strengthening ex officio detection of cartels (i.e., detection without leniency/immunity). On Day 2, participants discussed various aspects of international cooperation and information sharing, in both, the early and later stages of international cartel investigations. On Day 3, participants explored the role of alternative case resolutions.

Section IV: Merger Working Group

Introduction

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 in order 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 2010-11 ICN year, the U.S. Department of Justice, Antitrust Division, and the Irish Competition Authority co-chaired the MWG.

2010-2011 Summary of Work

This year, the MWG conducted a **Comprehensive Assessment** of the use and impact of its existing work product, potential barriers to work product use or implementation, and new areas of work that may assist members in making their merger review process more effective. To gather input for its assessment, the MWG conducted a survey of ICN members and a survey of MWG NGAs. The MWG also considered the input obtained in the ICN Second Decade project, and input received in breakout session discussions at the 2010 ICN Merger Workshop in Rome. A summary of the conclusions drawn from this year’s comprehensive assessment are set out below.

In November 2010, the MWG conducted its eight successful **ICN Merger Workshop** hosted by the Italian Competition Authority in Rome. The workshop focused on the theme of “Merger Policy and Practice,” and included a day of discussion on merger policy issues, and a day focused on practical, hypothetical-based merger review practice issues. The workshop was attended by approximately 135 member agency and NGA participants from more than 50 jurisdictions.

Executive Summary of Report on Conclusions Resulting from the 2010-11 MWG Comprehensive Assessment

(Please see the ICN website for a complete version of the report, including supporting appendices.)

The MWG is approaching the end of its first decade of work. To ensure that it continues to be at the forefront of merger review practice and procedure, this year the MWG undertook a comprehensive assessment of its existing work product and membership needs. As part of this assessment, the MWG conducted two surveys, one of ICN members and one of MWG NGAs. Fifty-four members and twenty-three

NGAs responded. The MWG report and the accompanying appendices summarize the information received from ICN members and NGAs as part of the comprehensive assessment, and these materials will be a valuable resource tool for the MWG as it moves into its second decade.

Based on the input received, it is clear that the MWG's work product has been positively received and has contributed significantly to enhancing the quality of merger review regimes around the world. A recurring theme in the responses is the vital role of the MWG in promoting familiarity, use, and implementation of its current and future work product. Guided by the conclusions drawn from this assessment, the MWG will continue to promote MWG work product to maintain and expand the already high levels of familiarity, use, and implementation of MWG work product among ICN members. To achieve this goal, the MWG will continue to (i) practice inclusive and active MWG membership, with opportunities for ICN members and NGAs to contribute to MWG projects and activities, and (ii) place a high priority on promoting the MWG's work product through workshops, teleseminars, web-based tools, and other means. In addition, the MWG is committed to exploring ways in which barriers to the use or implementation of MWG work product can be reduced and, where possible, removed.

The MWG will also continue to pursue future work of relevance and high value to its members. Based on the input received, this will include an emphasis on (1) exploring the potential for additional *Recommended Practices for Merger Analysis*; (2) conducting new work on economic analysis in merger review; (3) conducting new work on investigative techniques, including work to supplement the *Investigative Techniques Handbook*; (4) exploring potential updates to the *Merger Guidelines Workbook*; (5) conducting new work on merger remedies issues; and (6) maintaining, and periodically updating, the merger templates and web links. The MWG will also remain flexible to allow room to address other issues, including cooperation on multi-jurisdictional mergers as well as new and emerging issues in merger review. In assessing future work, the MWG will pursue work in high demand by ICN members, ensure that its most highly valued and used existing work product remains up-to-date, place a high priority on work to promote its existing work product, and prioritize a limited number of high-value projects each year to avoid overburdening those participating in its work.

Section V: 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. The Working Group currently is co-chaired by the U.S. Federal Trade Commission and the German Bundeskartellamt.

During the last year, the Working Group began a “workbook” on the analysis of unilateral conduct. The Working Group developed an outline of topics to be addressed and drafted a chapter on the steps agencies can take to define relevant markets and assess dominance, the data that might be useful, and how to obtain them.

Two ICN work products provide specific guidance on defining market power and dominance—the Recommended Practices on Dominance/Substantial Market Power² and the Report on the Objectives of Unilateral Conduct Laws, Assessment of Dominance/Substantial Market Power, and State-Created Monopolies.³ They reflect the responses of thirty-five ICN Members and fourteen non-governmental advisors to a UCWG questionnaire and take into account the approaches of competition agencies from around the world.

The Chapter of the Workbook seeks to complement the two existing ICN work products by discussing how to apply the concept of “dominance” in practice, and, in particular, how to use various types of evidence to determine whether or not a firm is “dominant.” The first section will briefly discuss the concept of dominance and its relationship to the notion of market power, including basic approaches ICN members use to define dominance. The Chapter’s following sections discuss defining a relevant market (both product and geographic), analysis of barriers to entry, and the role of buyer power in evaluating dominance.⁴

² ICN Dominance/Substantial Market Power Analysis Pursuant to Unilateral Conduct Laws, Recommended Practices, at 1, available at <http://internationalcompetitionnetwork.org/uploads/library/doc317.pdf>

³ ICN Report on the Objectives of Unilateral Conduct Laws, Assessment of Dominance/Substantial Market Power, and State Created Monopolies, at 2, available at <http://internationalcompetitionnetwork.org/uploads/library/doc353.pdf>.

⁴ Different jurisdictions refer to inter alia as “substantial market power”, “monopoly power”, or “dominance” to describe a firm that has a high degree of market power that can be maintained for a long duration. See Recommended Practices, at 1. In order to avoid confusion, in the workbook chapter all these terms will be referred to as “dominance.”

Building on the success of the March 2009 workshop in Washington, D.C. on implementing the Recommended Practices and evaluating unilateral conduct, the Working Group organized its second global workshop in December 2010 in Brussels, Belgium. Over 150 delegates from 53 jurisdictions attended the workshop and a webcast of the plenary sessions was followed by agency officials and NGAs around the world.

The Working Group also held two successful webinars. The first dealt with abuse of dominance in the pharmaceutical sector, and the second with discriminatory pricing. A webcast of the workshop and recordings of the webinars are posted on the ICN website.⁵

⁵ Available at www.internationalcompetitionnetwork.org/working-groups/current/unilateral/workshops-teleseminars.aspx.

Section VI: Vice Chair and NGA Liaison Reports

Vice Chair for Advocacy and Implementation

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.

Summary of Activity Report on ICN Advocacy and Implementation Network Support Program (AISUP) 2010-2011

1. Engage Advocacy and Implementation Network (AIN): The VC A&I held seven teleconferences post-Istanbul. In the conference calls, the VCA&I and AIN members exchanged information on competition law and policy developments in the ICN member jurisdictions and discussed how to promote implementation of ICN work products through the AISUP. In particular, the VC A&I and AIN members created ICN Work Products Catalogue used for identifying work products relevant to the need of recipient agencies. Furthermore, they discussed the response to the Second Decade Project, which resulted in the holding of an optional breakout session on the AISUP at the Hague Annual Conference to raise awareness of the program, etc.
2. Promote the AIN Support Program (AISUP): The VC A&I promoted the AISUP by various ways. The VCA&I and AIN members created a note to explain the difference between the requirements of ICN membership and those for AISUP recipients in order to provide assistance to not only ICN members but also non-members for whom the approval of the AIN and the Steering Group are received. VC A&I and AIN members are also preparing a guidance to be followed by the supporting agencies in case where comments on the draft laws, regulations, and guidelines, etc. were requested. The “AISUP flyer” continued to be disseminated at various fora such as ICN Annual Conference in Istanbul in April 2010, ICN Cartel Workshop in Yokohama in October 2010 and ICN Unilateral Conduct Workshop in Brussels in December 2010. An article of the AISUP was posted on the ICN weblog on December 14th, 2010 (available at www.icnblog.org/?p=934) in order to advertise the AISUP and contact all possible agencies who are interested in ICN work products.
3. Manage the AISUP: The JFTC carried out the second and the third program in 2010-2011 focusing respectively on cartels and mergers upon the request of the Vietnam Competition Authority. The Russian FAS supported Kazakhstan,

Kyrgyzstan, Moldova and Mongolia. As for Kazakhstan, FAS representative acquainted the staff members of the Agency of the Competition Protection of Kazakhstan with Unilateral Conduct Working Group reports on refusal to deal and tying and bundling in the course of a seminar in Astana. With regard to Kyrgyzstan, FAS prepared a comment on the Draft Law of the Kyrgyz Republic upon request of the State Agency of Antimonopoly Regulation of the Kyrgyz. Regarding Moldova, the National agency of Protection of Competition of Moldova and FAS agreed that an FAS representative would conduct a seminar on advocating competition principles with the Moldavian business community. As for Mongolia, FAS provided advice on market definition and dominance assessment with reference to the relevant Merger Working Group and Unilateral Conduct Working Group work products upon the request of the AFCCP of Mongolia. German Bundeskartellamt has conducted teleseminars on the topics of cartels and unilateral conduct for the Zambian Competition and Consumer Protection Commission (CCPC). Bundeskartellamt also assisted the CCPC in providing opinion on specific issues.

4. Build awareness of ICN work product: At several opportunities such as Japan International Cooperation Agency (JICA) training and APEC Training Course, ICN work products were introduced. At the optional AISUP breakout session of the Hague Annual Conference, USB memory sticks including the electronic date of ICN Work Products are going to be distributed to the attendees.

Vice Chair for International Coordination

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

2010-2011 Projects and Activities

1. In order to further strengthen cooperation with other organizations, this year the Vice-Chair for International Coordination has prepared a report on competition related activities conducted by multinational organizations over the last five years.
2. In addition, the ICN-VCIC is currently coordinating the work of a Task Force that is conducting a sector specific study to identify barriers in the haulage

sector in the East African Community Region. The members of the Task Force, in addition to the Investment Climate Department of the World Bank Group, include representatives of the competition agencies of the following countries: United Kingdom (OFT), United States, France, South Africa, Switzerland, Zambia and Mexico.

Vice Chair for Outreach

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 NGAs 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.

2010-2011 Projects and Activities

1. ICN Curriculum Project. The Vice Chair for Outreach is developing a comprehensive curriculum of training materials to serve as a virtual university on competition law and practice for competition agency officials. 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. During its first year, the Curriculum Project team prepared modules on “The Origins and Aims of Competition Policy,” “Major Characteristics of Competition Policy,” “Market Definition,” and “Market Power.” The modules rely on existing ICN work product when possible, and also incorporates ICN members’ experiences. The modules consist of a combination of lecture, slides, and vignettes, and close with a short quiz. The modules will be showcased at the Annual Conference, posted on the ICN website and made available on DVD. After the conference, the project team also plans to present the modules to members through webinars.
2. ICNBlog. The Vice Chair for Outreach created and maintains an ICN weblog, “ICNBlog,” www.icnblog.org, posting frequently about ICN events, work product, as well as about member news. Since the 2010 annual conference, the ICN Blog has featured updates, highlights, and happenings from over 60 member agencies. Examples from the past year include series of posts on explaining competition to young people and ICN online resources, and many posts that highlight existing ICN work products and announcements of upcoming workshops, teleseminars, and working group initiatives. Member announcements of policy reviews and updates, as well as innovative outreach efforts are frequently posted on the ICN Blog. The blog has a dedicated e-mail

address for readers to propose submissions. Readership has grown exponentially, with over 800 unique visitors each month.

3. Outreach Toolkit. The Vice Chair for Outreach updated the introduction to the ICN slidepresentation created last year. Together with other “welcome” materials such as the ICN’s statement of achievements, this presentation serves as an introduction to the ICN for new members, existing members’ new staff, and new NGAs. The presentation includes an overview of the ICN’s mission, membership, achievements, projects, etc. as well as more detailed presentations on the activities of the current Working Groups.

NGA Liaison

Mandate: The mandate of the NGA Liaison is to 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.

2010-2011 Projects and Activities

The NGA Liaison has been involved in the following projects and activities in 2010-2011:

1. NGA feedback on the ICN’s Second Decade. As part of the consultation on the ICN’s Second Decade, NGAs were asked in August 2010 to complete a survey about their involvement in the ICN and to give some additional feedback on a conference call held on September 3, 2010 by the NGA Liaison Bruno Lasserre, in cooperation with the Vice Chair for Outreach Bill Kovacic. The feedback confirmed the many benefits of being an NGA and of engaging NGAs in the ICN’s work (building relationships with other stakeholders, contributing to the adoption of better practices, promoting transparency within the ICN and fostering legitimacy of the ICN’s work products by reflecting a diversity of views). It also suggested the need for improvement in two main areas: diversity of the NGA community and communications with respect to NGAs.
2. NGA Toolkit. In light of the feedback received, the NGA Liaison launched the creation of an NGA Toolkit. The purpose of the NGA Toolkit is to provide guidance to both NGAs and member agencies with a view to enhance NGA engagement in the ICN.

The toolkit covers four main issues:

- the role of an NGA – what is expected of NGAs in the different aspects of the ICN’s activities;
- the benefits of NGAs – from the perspective of the NGA and the perspective of member agencies;
- how to become an NGA – what to do and who to contact;
- how to engage NGAs – with tips for member agencies.

A draft of the toolkit, pre-tested by NGAs recommended by Steering Group members, is to be presented at the ICN Annual Conference in The Hague in May 2011 during a dedicated breakout session on NGAs organized for the first time at the initiative of the NGA Liaison. A final version incorporating the feedback received during the NGA breakout session is to be circulated among member agencies by early Autumn 2011.

3. First NGA breakout session at the 10th ICN Annual Conference in the Hague. This is the first time that an ICN Annual Conference will have a dedicated breakout session on NGAs. Such a dedicated breakout session for NGAs could be duplicated at each future ICN Annual Conference.
4. NGA page on the ICN website. This page could list practical and substantive information for NGAs, such as a complete list of NGAs, the NGA Liaison contact information, the NGA Toolkit, the ICN Quarterly updates, videos of major ICN events like Annual Conferences plenary sessions and Working Groups’ annual workshops (for NGAs not able to attend), etc.
5. ICN quarterly update. ICN quarterly updates are sent to the whole ICN community, ICN members and NGAs, providing brief updates of the ICN activity, and also posted on the ICNBlog at www.icnblog.org.

Section VII: Operational Working Groups

Operational Framework Working Group

The Operational Framework Working Group was established at the first annual ICN conference in September 2002. The mission of the Operational Framework Working Group is to provide recommendations on operational and governance issues of the ICN to the Steering Group members.

Responding to the feedback from the consultation on the ICN second decade, Steering Group members tasked the Operational Framework Working Group with amending the ICN's Operational Framework. The revised Operational Framework was approved by ICN members on March 4, 2011 and is available on the ICN website at www.internationalcompetitionnetwork.org/about/operational-framework.aspx.

The main changes to the Operational Framework include:

- The establishment of clear criteria and a system for the rotation of Steering Group members and Working Group co-chairs,
- The clarification of the role of Vice Chair of the Steering Group, and
- The publication of the minutes, agenda and the note from the Chair from each Steering Group meeting on the ICN website.

Consistent with the ICN vision for the second decade, these amendments promote diversity, inclusiveness and transparency in the ICN's governance framework.

Membership Working Group

The Membership Working Group was established at the first annual ICN conference in September 2002. Its main purpose is to accept applications for ICN membership from competition agencies and evaluate the requests under the criteria for membership in the operational framework.

Since the 2010 annual ICN conference, four agencies joined the ICN:

- Faroese Competition Authority,
- Gambia Competition Commission,
- Namibia Competition Commission, and
- Competition and Tariff Commission of Zimbabwe.

The ICN has 117 members from 103 jurisdictions.

2010-2011 ICN Projects

Advocacy Working Group

Competition Advocacy Toolkit

Competition Advocacy Postings

Market Studies Information Store and Market Studies Good Practice

Handbook Road Testing Report

Competition Advocacy Experience Sharing Teleseminar

Agency Effectiveness Working Group

Effective Project Delivery handbook chapter

Effective Knowledge Management handbook chapter

London Workshop

Cartel Working Group

Call series on cartel awareness and outreach efforts

Anti-Cartel Enforcement Manual Chapter

New Compilation of Good Practices

Update to Anti-Cartel Enforcement Templates

Yokohama Workshop

Merger Working Group

Comprehensive Assessment of the use and impact of existing work product

Rome Workshop

Unilateral Conduct Working Group

Unilateral Conduct Workbook Chapter

Brussels Workshop

Webinars on abuse of dominance in the pharmaceutical sector and discriminatory pricing

Special Project:

Report on Competition Enforcement and Consumer Welfare

Annual Conference Planning Committee

Vice Chair Advocacy & Implementation

Advocacy and Implementation Network

Promotion and management of AIN Support Program

Building awareness of ICN work product

Vice Chair International Coordination

Report on competition related activities conducted by multinational organizations
Coordination of a Task Force that is conducting a sector specific study to identify barriers in the haulage sector in the East African Community Region

Vice Chair Outreach

ICN Curriculum Project

ICN Blog

Outreach Toolkit

NGA Liaison

NGA feedback on the ICN's Second Decade

NGA Toolkit

ICN Quarterly Update