



**ICN Steering Group Meeting  
June 29, 2011**

**From 8.30 to 9:45 (Paris time)**

Attendees:

- Australian Competition and Consumer Commission
- Autorità Garante della Concorrenza e del Mercato (Italy)
- Autorité de la concurrence (France)
- Brazilian Administrative Council for Economic Defense
- Brazilian Secretariat for Economic Monitoring
- Brazilian Secretariat of Economic Law of Ministry of Justice
- Bundeskartellamt (Germany)
- Competition Bureau Canada
- European Commission DG Competition
- Japan Fair Trade Commission (JFTC)
- Korea Fair Trade Commission (KFTC)
- Mexico Federal Competition Commission (CFC)
- Netherlands Competition Authority (NMa)
- Polish Office of Competition and Consumer Protection
- Russian Federal Antimonopoly Service
- South African Competition Commission
- United Kingdom Office of Fair Trading (UK OFT)
- United States Department of Justice
- United States Federal Trade Commission (US FTC)

Apologies:

- Barbados Fair Trading Commission
- Turkish Competition Authority

**Draft Minutes**

**1. Approval of Draft Agenda and Previous Minutes**

The meeting agenda was approved. Steering Group (SG) members proposed three items to be discussed under 'other business': the Chair's nominations for Vice Chairs during

the current SG term; an update from the ICN-OECD Liaison; and an update from the Horizontal Coordinator.

SG members were asked to send any comments on the draft minutes of the May 20, 2011 SG meeting to the ICN Secretariat (ICN.Secretariat@cb-bc.gc.ca) by July 6, 2011.

## **2. Future substantive topics to be discussed by the Steering Group**

The Chair reminded SG members that four suggestions had been made by SG members during the meeting of May 20, 2011, namely:

1. Enforcement cooperation
2. Working with courts/judges
3. Issues related to procedural fairness
4. The benefits of holding further ICN workshops on agency effectiveness.

The Chair note that the first three suggestions apply across the range of competition enforcement tools and across ICN working groups, while the fourth is for the Agency Effectiveness Working Group to take forward.

The Chair invited SG members to comment on whether the first three would be useful projects for the SG to pursue during the current ICN year. He noted that the intention is not for the SG to get into the detail of what specific work products would look like, since that is better considered at working group level. Outputs of SG projects could be in the form of high-level 'issues papers' including recommendations for future ICN work in these areas.

In relation to enforcement cooperation, the Chair noted that this was identified as a high-level goal for the ICN's second decade and referred to the Chair's note for the meeting which summarized the high-level suggestions coming out of the ICN Roundtable on Enforcement Cooperation held in Washington, D.C. in March 2011. SG members supported a SG project on this topic. Members noted that the OECD Competition Committee was discussing a possible long-term project on cooperation, and the need for the work of the two organizations in this area to be complementary.

In relation to working with courts/judges, the Chair noted that specific issues that had been raised by ICN members included:

- appreciation of limitations on agency resources and the need to prioritize
- the role of economic analysis

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- educating non-specialist courts/judges in competition law and policy
- the possibility of inviting judges to participate in ICN Annual Conferences.

SG members supported a SG project on this topic, noting that this would be an outreach project and so different from the other two topics.

In relation to issues related to procedural fairness, the US FTC noted that an ICN project in this area would not look at institutional design or legal frameworks but how ICN members can conduct effective, efficient investigations within their existing frameworks, focusing on issues such as accuracy, speed, cost and the perception of legitimacy. Experience of considering reforms to agency processes in the context of the ICN merger procedures recommended practices had shown that reforms that reduced burdens on business also benefitted agencies.”. The US FTC noted that this type of project could fit well in the Agency Effectiveness Working Group. SG members supported a SG project on this topic, with a title such as ‘investigative process’.

The Chair invited SG members to express their interest in leading these projects after the meeting.

### **3. Approval of new ICN members**

SG members approved the Independent Consumer and Competition Commission of Papua New Guinea, the Malaysian Competition Commission, and the COMESA (Common Market for Eastern and Southern Africa) Competition Commission as ICN members.

The Chair thanked the KFTC, as Chair of the Membership Working Group, for the work it had done in analyzing the applications from these three agencies.

### **4. Evaluation of the 2011 ICN Annual Conference**

The NMa put forward a proposal that it complete a ‘lessons learned’ report on the ICN Annual Conference in The Hague. The project will be based on the NMa’s evaluation of the conference and will cover issues raised at the SG meeting in The Hague, such as the relationship between plenary and breakout sessions. SG members welcomed the proposal.

### **5. Approval of sponsors at side events for the 2011 ICN Cartel Workshop**

The European Commission DG Competition sought SG members' approval for sponsors at side events for the 2011 ICN Cartel Workshop in Bruges, Belgium. SG members approved the proposal.

## **6. Other Business**

### Vice Chairs on the ICN Steering Group

The Chair nominated William Kovacic, Commissioner of the US FTC; Eduardo Perez Motta, President of the Mexican CFC; and Kazuhiko Takeshima, Chairman of the JFTC, to continue as Vice Chairs on the ICN Steering Group during the current Steering Group term (and, in Kovacic's case, until the end of his term as Commissioner). The Chair noted that each of the Vice Chairs had made a strong contribution to the ICN and thanked them for their work in promoting the ICN in their respective regions and elsewhere.

The Chair invited SG members with comments on the nominations to contact him after the meeting.

### Update on ICN-OECD liaison

Philip Collins, in his role as ICN-OECD Liaison, informed SG members that he would be reporting to the OECD Competition Committee on the revised mission and high-level goals adopted by the ICN in its second decade, key ICN work products planned for the coming year, and recent changes to the ICN's governance structure and future work planning methods.

He noted that the OECD Competition Committee is considering its own working methods and possible long-term projects, which could provide an opportunity for the ICN and OECD to develop complementary agendas on topics such as international cooperation.

### Update from the Horizontal Coordinator

The ACCC, as Horizontal Coordinator, noted that it would be writing to all working group chairs regarding proposed dates for future ICN meetings and other ICN events for inclusion in the calendar on the ICN website.

## **6. Future Meetings of the Steering Group**

- Wednesday, September 28, 2011 (conference call)

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- Wednesday, October 19, 2011 (on the margins of the OECD meeting)