



**ICN Steering Group Conference Call  
September 28, 2011**

**From 8:00 to 9:00 a.m. (Ottawa time)**

Attendees:

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

Apologies:

- South African Competition Commission
- Turkish Competition Authority (TCA)

**Draft Minutes**

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

The meeting agenda was approved. Steering Group (SG) members were asked to send any comments on the draft minutes of the June 29, 2011 SG meeting to the ICN Secretariat (ICN.Secretariat@cb-bc.gc.ca) by October 5, 2011.

The Chair reminded members that this was Mr. Bill Kovacic's last SG meeting before the end of his term as FTC Commissioner. The Chair thanked Mr. Kovacic for his excellent work at the US FTC and for his valuable contributions to international fora, including the ICN. Mr. Randolph Tritell succeeds Mr. Kovacic, as the US FTC's SG member representative.

## **2. Discussion of Work Plans for Steering Group Substantive Topics**

Prior to starting this agenda item, Mr. Philip Collins, the ICN-OECD Liaison provided an update on the OECD's proposals for undertaking longer-term, strategic project work within the Competition Committee and its Working parties. Mr. Collins mentioned that Working Party 3 is working with the Working Party on State Ownership and Privatisation Practices on a joint task force on Competitive Neutrality and State-Owned Enterprises.

In July 2011, the Chairman of the Competition Committee wrote delegates inviting them to share their views on adopting a long-term strategic approach. Furthermore, the Chairman advocated three possible topics:

- (i) international cooperation – review and if necessary revise the 1995 Council Recommendation Concerning Cooperation between Member countries on Anticompetitive Practices affecting International Trade;
- (ii) evaluation – assisting members in evaluating their competition regimes, including identifying techniques for assessing the effects of competition policy and developing best practice recommendations to evaluating competition policy and interventions; and
- (iii) competitive neutrality and state interventions – bring together government officials responsible for oversight of state-owned companies, competition officials and policy makers to develop a multi-disciplinary framework for competitive neutrality applicable to all forms of state intervention in production in the market.

Mr. Collins noted that of the suggested themes, international cooperation and evaluation are areas of upcoming work for the ICN. Depending on the OECD's decision regarding these two themes, it is very important that ICN and OECD liaise closely with one another to ensure that each organization can extract the greatest benefit from the other's work and avoid duplication.

Next, the leaders of the projects on enforcement cooperation (US DOJ and TCA) and investigative process (US FTC and EC DG Comp) presented their work plans for discussion.

#### Enforcement cooperation

The project leaders referred SG members to the work plan that was circulated in advance of the call. The proposed objective of the project is to consider and identify appropriate topics for future ICN work on enforcement cooperation. Project leaders noted that one of the goals of the project is to build on the discussion and ideas raised at the 2011 ICN Enforcement Cooperation Roundtable hosted in March in Washington, D.C. and previous cooperation-related work within the ICN.

SG members supported the work plan and offered the following suggestions:

- Future work should be rooted in “practical” experience from real cases;
- Future work should consider and draw upon cooperation lessons from existing international networks; and
- Future work should consider the role of parties in facilitating enforcement cooperation between authorities.

The JFTC noted that it has a proposal for an ICN cooperation framework for merger review, which it would like to bring forward to the SG. The Chair asked that the JFTC liaise with the project leaders to determine whether this proposal could be discussed as part of the broader SG substantive project on enforcement cooperation.

#### Investigative Process

The project leaders referred members to the work plan that was circulated in advance of the call. The project will focus on the processes that ensure that, during investigations, competition authorities obtain the relevant facts, views and arguments as well as the mechanisms that ensure that all views and arguments are given adequate consideration before a final decision is reached. SG members supported the work plan.

A project leader noted that the NGA community has substantial interest in this topic and that members may wish to solicit input from them at an appropriate time. The Chair suggested that project leaders discuss this matter among themselves.

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

The NMA presented a “lessons learned” report on the 2011 ICN Annual Conference based on the evaluation forms submitted by conference attendees and its own experience as a conference host agency.

The NMa also asked SG members to consider a possible follow-on project, namely the creation of a standing checklist and high-level project plan to assist future hosts in planning the ICN Annual Conference. The idea would be to produce a short document or table which sets out: (1) key deadline dates for when specific tasks should be completed; and (2) who is accountable for the specific tasks, namely, the conference host agency, SG, Working Group members, etc. The NMa and CADE offered to lead the project in consultation with the ICN Secretariat.

SG members welcomed this initiative but noted that it would be appropriate to consider the project within the Annual Conference Planning Committee (ACPC) to solicit input from the diverse views of Working Group chairs and other past conference hosts in developing the document.

The Chair asked that the initiative be taken up with the context of ACPC and that the document return to SG for final sign-off.

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

SG members approved the Procompetencia of Nicaragua and the Competition Authority of Botswana 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 two agencies.

A SG member welcomed the addition of these new members but noted that in the future, the SG may need to give consideration to the impact of our increasing membership on the limited financial resources available to support newer agencies from developing jurisdictions seeking to travel to ICN events.

#### **5. ICN Membership Application Process**

The KFTC presented a proposal for clarifying and streamlining the membership application process and for encouraging new membership applications. Suggestions within the proposal include: (i) provision of more detailed information on the membership application procedure on the ICN website; (ii) informing potential applicants of the information necessary for the application review; and (iii) promotion of the use of a “summary procedure” for application review, an expedited process in which applicants’

submissions and the review results of the Membership Working Group are circulated to SG members, whose opinions are then collected via email.

SG members approved the proposal in principle, and the Chair thanked the KFTC for working on this initiative.

## **6. Other Business**

SG members did not raise any additional topics to be discussed.

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

- Wednesday, October 19, 2011 (on the margins of the OECD)
- Wednesday, November 16, 2011
- Wednesday, December 14, 2011
- Wednesday, January 18, 2012
- Wednesday, February 15, 2012 (on the margins of the OECD)
- Wednesday, March 14, 2012
- Monday, March 26, 2012
- Wednesday, April 4, 2012 (if necessary)