

ICN Steering Group meeting, 28 September 2011

Note from the Chair

20 September 2011

Dear colleagues

There are four items on the agenda for our meeting next week:

- (i) work plans for the substantive topics to be discussed by the Steering Group during the 2011-12 ICN year;
- (ii) the NMA's review of the 2011 ICN Annual Conference;
- (iii) approval of new ICN members; and
- (iv) a proposal from the KFTC for improvements to the review process for ICN membership applications.

Recall that the genesis of the first two items is the feedback we received from members and NGAs as part of the consultation on the ICN's second decade. Having carried out that wide-ranging consultation, our focus is now on implementing the feedback to help create a stronger and more effective ICN.

Should Steering Group members wish to raise any additional items for discussion, please inform the ICN Secretariat (Secretariat.ICN@bc-cb.gc.ca) by **Friday 23 September**.

Work plans for substantive topics for Steering Group discussion during the 2011-12 ICN year

At our last Steering Group meeting of 28 June we agreed to pursue three substantive topics within the Steering Group this ICN year, namely:

- 1) enforcement cooperation;
- 2) working with courts/judges; and
- 3) investigative process.

The eventual outputs I envisage from these projects are high-level 'issues papers' to be disseminated to the ICN membership ahead of the 2012 Annual Conference, including recommendations for further ICN work in each area.

The agencies which have offered to lead these projects are summarized in the chart below. The Chilean Competition Tribunal has kindly offered to co-lead the project on working with courts/judges together with the Polish Office of Competition and Consumer Protection (UOKiK).

Substantive	Project Leaders	Timing of Discussions
1) Enforcement Cooperation	Turkish Competition Authority US DOJ	Oct – First discussion Jan – Second discussion Feb/Mar – Draft #1
2) Working with courts/judges	UOKiK Poland Chilean Competition Tribunal	TBD
3) Investigative process	EC DGComp US FTC	Oct – First discussion Dec/Jan –Draft #1 Feb – Draft #2

The leaders of the projects on enforcement cooperation and investigative process have circulated, through the Secretariat, proposed work plans for discussion during our call. The leaders of the project on working with courts/judges will present their proposed work plan for discussion at the October Steering Group meeting.

The objective of our discussion next week is to set out a timetable for future substantive discussions. As outlined in the chart above, both work plans envisage three substantive discussions with the first occurring at our meeting in October. We should aim to have final draft papers ready for Steering Group approval at our meeting of 26 March 2012 and for presentation at the conference in April.

Review of the 2011 ICN Annual Conference

You will recall from our last Steering Group meeting of 28 June that the NMA put forward a welcomed proposal to complete a ‘lessons learned’ report on the recent ICN Annual Conference based on the feedback forms submitted by conference attendees and its own experience as conference host. The NMA has circulated, through the Secretariat, a draft version of this report for discussion during our call.

The Steering Group is also invited to consider a possible follow-on project from this report, namely 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) indicative timelines for when key tasks should be completed; and 2) who is accountable for what (host, SG, WG's, etc.). Assuming the Steering Group agrees that this would be worthwhile exercise, the NMa and CADE Brazil have offered to draft such a document in consultation with the ICN Secretariat.

Approval of new ICN members

The Korea FTC, as Chair of the Membership Working Group, will lead a discussion on recent applications to join the ICN.

Recently, the Membership Working Group has received expressions of interest to join the ICN from two competition authorities - the National Institute for the Promotion of Competition (PROCOMPETENCIA) of Nicaragua, and the Competition Authority of Botswana.

The Membership WG has concluded that the abovementioned competition agencies meet the requirements to become a member of the ICN. PROCOMPETENCIA and the Competition Authority are the national competition agencies of Nicaragua and Botswana respectively, entrusted with the enforcement of their competition laws.

If these authorities are approved, the ICN will have 122 members from 108 jurisdictions.

For more information, please refer to the detailed explanations and copies of competition laws circulated by the ICN Secretariat in advance of our meeting. If you have any comments, please contact Mr. Yongho SHIN (yhshin83@gmail.com, yhshin55@korea.kr).

Proposal for improvement of the review process for ICN membership applications

The Korea FTC has also circulated, through the Secretariat, a proposal for clarifying and streamlining the membership application process and for encouraging new membership applications. The KFTC welcomes Steering Group members' feedback on the ideas set out in the note.

I look forward to speaking to you next week.

Best regards

John