



**INTERNATIONAL COMPETITION NETWORK**

**Activity Report on ICN Advocacy and  
Implementation Network Support Program  
(AISUP)  
2011-2012**

Advocacy and Implementation Network

April 2012

## **Introduction**

The ICN, with the goal of promoting more efficient and effective antitrust enforcement worldwide by enhancing convergence and cooperation, in its first decade has produced through its working groups work product beneficial for the enforcement and planning of competition law and policy in member jurisdictions.

To make best use of its increasing volume of work product, the network has sought ways of facilitating integration of these products in the work of member agencies.

In light of such developments, the Japan Fair Trade Commission (JFTC), in cooperation with Advocacy and Implementation Network (AIN), is taking initiative of promoting and advocating the use of ICN work product by competition authorities throughout the world.

To this end, a group of volunteer ICN member agencies was convened in the AIN to support its activities in 2007, followed by the establishment of a framework named “Support System” to encourage the member agencies to make better use of ICN work product in 2008.

The name of “Support System” was then changed to “AIN Support Program” (AISUP) upon agreement of AIN members in 2009 in order to make it clear that the programs are designed specifically to match each recipient’s request rather than a ready-made system, and the assistance does not include financial support.

The following is the activity report of the AIN during 2011-2012 to be reported to the 11<sup>th</sup> Annual Conference in Rio de Janeiro, focusing on the promotion of AISUP.

### **1. Engagement of the AIN**

*The AIN, led by the JFTC and comprised of liaison officers for each of the ICN Working Groups and “liaison agencies”, was formed in 2007 to facilitate use of AISUP and keep informed of relevant legislative and policy developments of other jurisdictions.*

#### **(Achievement during 2011-2012)**

The JFTC organized an optional breakout session on the AIN and AISUP during the Hague annual conference in May 2011. Several agencies participating in AISUP as both supporting agencies and recipient agencies made fruitful discussion on their experience through AISUP in the session. In addition, the JFTC held four AIN conference calls post-Hague on, July 26, October 5, and December 1 in 2011 and February 6 in 2012. During the calls, the JFTC and AIN members discussed various issues including the following:

##### **(1) Response to the ICN Second Decade Project**

To prepare for the ICN’s Second Decade, the ICN Steering Group members committed to consulting with all of ICN membership to identify specific strengths and improvements needed to maintain the network's exceptional momentum. As a result of

the consultation, Steering Group Members agreed various areas of feedback from the consultation to be taken forward by those whose responsibilities were identified in the ICN Chair's note for the Steering Group conference call held in September 2010 (<http://www.internationalcompetitionnetwork.org/uploads/2010-2011/chairnote8.9.10.pdf>). Among the action points, Working Groups and the AIN were to be responsible for providing guidance on putting written work products into practice. To address the issue, the AIN Chair raised four questions as follows.

- (a) Should more emphasis be put on the implementation work?
- (b) Are there more ways to enhance coordination with Working Groups?
- (c) Do we need to do more to raise awareness of AISUP?
- (d) What other instruments can be adopted to promote implementation?

As a part of the efforts to address the Second Decade Project, the JFTC and AIN members discussed above points through AIN calls and prepared a questionnaire for self-evaluation of the need for the assistance via AISUP. It was approved by the Steering Group in February 2012 and will be posted on ICN website in the future. Some activities proposed by AIN members have already started and others will be addressed after the 11th Annual Conference.

(2) ICN Work Products Catalogue

The JFTC and AIN members created a concise and comprehensive catalogue of ICN work products used for identifying work products relevant to the needs of recipient agencies to be disseminated via the ICN website and other fora. Following approval at the Steering Group meeting on September 8, 2010, the ICN Work Products Catalogue is currently available on the home page of the ICN website.

The JFTC distributed USB memory sticks including the electronic data of ICN Work Products to the attendees at the optional AISUP breakout session of the Hague Annual Conference to promote their use, based on the suggestion from the AIN members.

In 2011, the JFTC updated this catalogue to include work products submitted to the Hague Annual Conference. The updated version of this catalogue was approved by the Steering Group members in November 2011 and it is available on the ICN website at: <http://www.internationalcompetitionnetwork.org/uploads/library/doc770.pdf>

(3) Guidance for Commenting on Existing or Draft Laws, Regulations, and Guidelines of Agencies Seeking ICN Support

The JFTC and AIN members prepared a guidance to be followed by the supporting agencies in case where comments on the draft laws, regulations, and guidelines, etc.

were requested by the requesting agencies of AISUP. The JFTC submitted the draft guidance to the Steering Group and obtained approval by them on January 25, 2012.

(4) Competition law and policy developments in member jurisdictions

The JFTC and AIN members periodically exchanged information on competition law and policy developments in the ICN member jurisdictions, particularly younger agencies.

(5) AISUP implementation

Supporting agencies of AISUP reported on the progress of implementation of their program as necessary (See “3. *Management of AISUP*” below)

## **2. Promotion of AISUP**

*The JFTC continued to promote AISUP through various methods.*

### **(Achievement during 2011-2012)**

(1) AISUP Flyer

AISUP Flyer explains the purpose of the establishment of AISUP, procedure for participation in AISUP, and a list of key ICN work products. The JFTC updated AISUP Flyer reflecting the increase of the ICN member jurisdictions and the change of the role of Vice Chair. Registration form for applying for AISUP was also included in the flyer by the update. Following approval by the Steering Group members in November 2011, the current flyer is available on the home page of the ICN website at:  
<http://www.internationalcompetitionnetwork.org/uploads/library/doc771.pdf>

The flyer has also been disseminated at various fora such as the following:

- ICN Annual Conference in the Hague in May 2011
- Eleventh meeting of UNCTAD Intergovernmental Group of Experts on Competition Law and Policy held in Geneva in July 2011
- The 7th East Asia Top Level Official's Meeting on Competition Policy in Singapore in September 2011
- APEC Training Course on Cartel Enforcement in Malaysia in October 2011
- ICN Cartel Workshop in Bruges in October 2011
- Japan International Cooperation Agency (JICA) Training Course on Competition Law and Policy for the developing countries in October
- OECD Global Forum on Competition in Paris in February 2012
- Meeting of the APEC Competition Policy and Law Group (CPLG) in Moscow in February 2012

(2) ICN Weblog

An article on AISUP Flyer and ICN Work Products Catalogue was posted on the ICN weblog on December 7th, 2011 (available at <http://www.icnblog.org/?p=1732>). It aims to advertise the update of AISUP Flyer and ICN Work Products Catalogue and promote the use of these documents by all possible agencies who need advice about specific ICN work products or assistance on how ICN recommendations and other guidance documents might be implemented within their jurisdiction via AISUP.

(3) ICN Introductory Call for Newly Participating Agencies

The USFTC organized the seminar introducing the newly participating agencies to the outline of the ICN in August and September 2011. The seminar was intended to promote active participation in a number of ICN events. During the seminar, the JFTC explained AIN and AISUP and introduced AISUP Flyer and ICN Work Products Catalogue to the participants.

(4) ICN Welcome Letter

The JFTC, in collaboration with the Membership Working Group, provided the introductory message about AIN/AISUP for ICN Welcome Letter which is sent to every new member. Once a new member agency requests the JFTC to provide additional information on AISUP in response to the letter, the JFTC provides them with AISUP Flyer. In addition, when the JFTC receives a positive interest in the activities of the ICN from new members, the JFTC will encourage them to attend several teleseminars/webinars which are organized by each Working Group of the ICN.

**3. Management of AISUP**

*The JFTC has the role of managing requests to use AISUP, and oversee specific projects, reporting as appropriate to the Steering Group about new participants.*

**(Achievement during 2011-2012)**

(1) **Kazakhstan**

The FAS representative are seeking the possibility of a detailed discussion on the work products of the ICN Cartel Working Group including information sharing on cartel investigation.

(2) **Kyrgyzstan**

Per request of the State Agency of Antimonopoly Regulation of the Kyrgyz Republic, the Russian FAS prepared a comment to the Draft Law of the Kyrgyz Republic "On Competition." After consideration, the draft competition law which was

drafted on the basis of the comments provided through AISUP successfully gained the approval by the Kyrgyzstan Parliament..

**(3) Malaysia**

On January 18, 2012, the JFTC implemented the lecture on the introduction to the ICN for some staff of Malaysian Competition Commission (MyCC) in collaboration with the training course for MyCC sponsored by Japan International Cooperation Agency (JICA). It was a part of the technical assistance through AISUP. The JFTC will continue to provide MyCC with such assistance if they are willing to receive the assistance. During the lecture, the JFTC also introduced the Anti-Cartel Enforcement Manual of Cartel Working Group mentioning investigation techniques adopted in the JFTC.

**(4) Moldova**

Per request of the National Agency of Protection of Competition of Moldova, the Russian FAS and DG Comp experts provided comment to the draft competition Law of Moldova. As advised by the AISUP, both experts provided the comment in their individual capacity following AISUP rules for preparation of such comments.

**(5) Mongolia**

In the course of preparation of the UNCTAD Peer Review of competition legislation and policies in Mongolia, the Russian FAS expert assigned to preparation of the Peer Review made references to the ICN work products in the draft peer review (the final version is to be published in the fall of 2012) and advised on implementation of the ICN work products in the course of development of the National Program of Competition Development in Mongolia. The expert provided this advice in individual capacity pursuant to the AIN AISUP rules.

**(6) Vietnam**

The JFTC has carried out three programs of lectures for the Vietnam Competition Authority (VCA) since 2009 upon the request of the VCA.

For the future assistance, the JFTC currently is under consultation with the VCA.

**(7) Zambia**

The German Bundeskartellamt has continued its good cooperation with the Zambian Competition and Consumer Protection Commission (CCPC) by conducting a continuous exchange of experiences and teleseminars..

**4. Build awareness of ICN work product**

*Another role of the AIN is to identify opportunities to promote ICN work product.*

**(Achievement during 2011-2012)**

■ **Japan International Cooperation Agency (JICA) training**

The US FTC delivered a lecture on the ICN at the JFTC-JICA Group Training Course for Developing Countries held in Japan in October 2011. They have provided lectures on the same topic at the training course since 2008.

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