

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

Background

The mission of the Advocacy and Implementation Network (AIN) is to build awareness of ICN work product and promote its implementation. The AIN Support Program (AISUP) was formed to encourage competition agencies to become familiar with and consult ICN work product, including when they are considering changes to their competition laws, regulations or guidelines, and to assist with the identification and explanation of relevant ICN work product.

When a jurisdiction or agency is considering implementing new or making changes to its competition laws, regulations, and guidelines, it may seek assistance from the ICN. The AIN, made up of representatives of ICN Working Groups and other ICN member agencies, is an excellent resource to consult for explanation of ICN work product and for comments on proposed changes. Such consultations advance the AIN's objectives by utilizing ICN work product to enhance convergence with ICN recommendations and other guidance documents.

In commenting on draft laws, regulations, and guidelines within the AISUP, the following principles apply:

- 1) If the AIN provides comments to a requesting agency, the comments will:
 - be consistent with adopted ICN work product; and
 - not address topics or make recommendations that go beyond adopted ICN work product.

AIN comments may be based on unofficial translations. AIN comments should be drafted via consensus approach, with members and relevant Working Groups should have adequate notice and opportunity to review the AIN comments, including any subsequent drafts that are necessary to address concerns raised.

- (a) When full consensus is reached about the comments, they can be provided as the AIN comments.
- (b) When comments are requested through AIN, but AIN members are unable to agree on the substance of the comments, an individual ICN member or members may choose to submit comments with the following disclaimer:

** “Disclaimer: these comments do not represent the views of the ICN or a consensus of the AIN member agencies, but are provided for the benefits of the requesting agency through the framework of the Advocacy and Implementation Network (AIN).”*

- 2) When the AIN members or an individual ICN member or members refer to ICN related materials such as presentations at annual conferences, workshops, teleseminars, etc. to a requesting agency in providing comments, but the materials are not adopted by the ICN, they may choose to refer to them with the following disclaimer:

** “Disclaimer: these materials are not adopted by the ICN, but are provided for the benefits of the requesting agency through the framework of the Advocacy and Implementation Network (AIN) by referring to ICN related materials such as presentations at annual conferences, workshops, teleseminars, etc.”*

- 3) Individual ICN members and ICN Working Groups may comment on draft laws, regulations and guidelines on their own behalf. In so doing, reference to ICN work product is encouraged, but comment should not be made on behalf of the AIN or the ICN as a whole.