



**ICN Steering Group Meeting
January 25, 2012**

From 8:00 to 9:20 am (Ottawa time)

Attendees:

- Australian Competition and Consumer Commission
- Autorità Garante della Concorrenza e del Mercato
- Autorité de la concurrence
- Barbados Fair Trading Commission
- Brazilian Administrative Council for Economic Defense (CADE)
- Bundeskartellamt
- Competition Bureau Canada
- European Commission DG Competition
- Japan Fair Trade Commission
- Korea Fair Trade Commission
- Mexico Federal Competition Commission (Mexico FCC)
- Netherlands Competition Authority
- Polish Office of Competition and Consumer Protection (UOKiK)
- Russian Federal Antimonopoly Service
- South African Competition Commission
- Turkish Competition Authority
- United Kingdom Office of Fair Trading
- United States Department of Justice
- United States Federal Trade Commission (US FTC)

Apologies:

- Brazilian Secretariat for Economic Monitoring
- Brazilian Secretariat of Economic Law of Ministry of Justice

Draft Minutes

1. Approval of Draft Agenda and Previous Minutes

The meeting agenda was approved.

SG members were asked to send any comments on the draft minutes of the December 25, 2011, SG call to the ICN Secretariat (ICN.Secretariat@cb-bc.gc.ca) by February 1, 2012.

2. Enforcement Cooperation and Investigative Process

The Chair began by noting that the purpose of the discussion was to (1) check whether there was agreement on the scope of issues and possible actions outlined in the papers circulated by project leaders; and (2) answer any questions that project leaders have raised for discussion. The Chair suggested that, coming out of the discussion, project leaders should work to convert the documents into issues papers for SG approval and eventual presentation at the 2012 Annual Conference.

Enforcement Cooperation

Project leaders (US DOJ and Turkey) presented a paper for discussion. The paper summarized a number of preliminary consensus points that have emerged from project consultations to date (including previous SG discussions, and discussions with co-chairs of the Unilateral Conduct, Merger and Cartel working groups). The paper also presented a preliminary list of proposals for future ICN work in the near-, mid-, and longer-term. The following are the salient points of the discussion:

- SG members supported the preliminary consensus points identified in the paper.
- ICN has a clear role in facilitating effective international cooperation to better address restrictions of competition that have multi-jurisdictional effects.
- Following presentation at the 2012 Annual Conference, the project might usefully focus on four steps for taking issues forward: 1) identifying the needs of ICN members; 2) identifying whether existing ICN products address those needs; 3) identifying whether there are other networks or fora (regional or global) that address those needs; and 4) where gaps remain, deciding what ICN should do.
- The three enforcement-related working groups should play a major role in progressing work on this topic, but there should also be a degree of coordination across groups as well as a degree of ownership/accountability by the SG, at least until item 4) above has been completed.

Investigative Process

Project leaders (US FTC and EC DG Comp) presented a paper for discussion. The paper divided issues into two complementary components: 1) the *powers/tools* agencies have and need to conduct effective investigations; and 2) *procedures* for conducting effective investigations. The paper identified several potential projects within each component. The following are the salient points of the discussion:

- SG members supported the issues and possible actions identified in the paper.
- Members agreed that the appropriate venue for progressing work on this project would be the Agency Effectiveness Working Group. However, it was noted that SG members and agency heads should be engaged in work streams that deal with potentially politically sensitive issues.
- Project leaders agreed to think about how to engage ICN members on the issues and potential projects identified in the paper before taking work forward. It was suggested that project leaders could circulate a final version of the paper to ICN members after the February SG meeting to engage members and get input on the paper in advance of the 2012 Annual Conference, so that work could begin shortly thereafter.

3. AIN/AISUP

The JFTC presented two documents for approval:

1. Questionnaire for Self-Evaluation of the Need for the Assistance via AISUP; and
2. Guidance for Commenting on Existing or Draft Laws, Regulations, and Guidelines of Agencies Seeking ICN Support.

The first document sets out questions to assist agencies considering seeking ICN assistance through AISUP. The second sets out principles that the AIN will apply when asked to comment on draft laws, regulations, and guidelines within the AISUP.

The documents were approved subject to comments from the Barbados FTC on the first document, to be discussed offline.

4. ICN Travel Funding Guidelines

Following a presentation by the Canadian Competition Bureau on behalf of the Operational Framework Working Group, SG members approved the publication of revised ICN Travel Funding Guidelines. The revisions are intended to enhance the transparency and predictability of SG's decision-making in respect of travel funding applications for ICN events.

5. Other business

There was no other business.

6. Future Meetings of the Steering Group

- Wednesday, February 15, 2012 (on the margins of the OECD)
- Wednesday, March 14, 2012 (conference call)
 - The Secretariat will check whether a greater number of SG members would be able to attend a call on March 12 or March 13 as this date conflicts with the International Forum on EU Competition Law in Brussels.
- Monday, March 26, 2012 (conference call)
 - Will be rescheduled to March 27, 2012 on the margins of the Workshop for Agency Heads in Washington, DC. A room with a conference line will be provided.
- Wednesday, April 4, 2012 (conference call, if necessary)