

Advocacy Working Group Update September 2012

Major group-wide events and activities since the annual conference include:

- The group will be proposing an amendment to the 2012-2013 Work Plan to adapt the Benefits Project work plan.
- Member and NGA call: a conference call with AWG members and NGAs was held on 6 June, to inform them of the draft programme foreseen for the Advocacy Workshop of 26-27 October, discuss it and call for further written comments. A follow-up email was sent out on 12 June, to which a number of members replied, leading to amendments to the initial draft programme.
- Next call: a further call on the progress of the Advocacy Workshop is to be held in the coming days.

The Benefits Project and Competition Culture Project will announce their programmes of conference calls following the breakout sessions they will respectively be holding as part of the Advocacy Workshop.

- Membership: The AWG is glad to report that it now counts 178 members, of which 31 are NGAs.

Project Updates

The Benefits Project

The Benefits Project will be proposing to produce a good practice manual for competition agencies in explaining the benefits of competition to government and legislators, building on the experience and know-how that was collected during the stocktaking exercise carried out in 2011-2012.

The proposal follows an adaptation of the 2012-2013 Work Plan to the Vision Statement of the ICN Chair, which sets out supplementing efforts and initiatives of ICN members to place competition issues on the agenda of national and international (regional or global) organizations and fora as a priority area for ICN activity.

The Competition Culture Project:

The Competition Culture Project will culminate in the production of a report on institutions constituting competition culture at the ICN Annual Conference in 2014. It will seek to define competition culture, and learn how members interact with the constituent parts of a competition culture and what role each part plays or potentially could play. The Project will be launched at the ICN Advocacy Working Group Workshop of the 26-27 Oct 2012 in Paris. After the launch of the

Project, conference calls (around 4) will be organized, and this will subsequently lead to the drafting of the report.

The Advocacy Workshop:

The AWG will hold its first Workshop in Paris on 26 and 27 October (immediately after the meetings of the OECD Competition committee).

Having established itself as a fully-functional tool of competition policy, it was felt that Advocacy deserved to have its own Workshop. This event, gathering more than a hundred attendees, from about 50 different jurisdictions, will provide an occasion to review and discuss policy issues as well as to share tips and experience on our daily practice of advocacy vis-à-vis all stakeholders.

The Workshop webpage went live on 30 July, and online registration is open until 27 September. The programme is now set and the composition of the panels –including members as well as NGAs – is being finalized. A complete update will be provided in the course of the 25 September Steering Group meeting as well as on an AWG members and NGAs' conference call to be held in the coming days.

Agency Effectiveness Working Group Update September 2012

Working Group

Major group-wide events and activities since the annual conference include:

- The group approved the revised work plan to include the curriculum project in AEWG, and the new plan was approved by the Steering Group in June.
- There was an introductory member-only call in June to review the revised work plan, prepare a more detailed time line, and assign projects for the year ahead.
- In July, the WG co-chairs sent an email update to members on the status of projects.
- There was July email and August call with members to provide project status updates and solicit additional participants for each project.
- There is a member and NGA call scheduled for September.
- The Working Group will hold the first teleseminar in September, on knowledge management.
- New members and NGAs
 - More than half a dozen new members joined the Working Group, for a total of 64 agencies (with approximately 20 agencies participating on each call to date); eight new NGAs joined, for a total of almost 20 NGAs.

Project Updates

Agency Practice Manual Knowledge Management Chapter: Egypt is working to incorporate comments received in March 2012. ACCC, Sweden's KKV, and India's CCI recently volunteered to help prepare the chapter. A revised draft will be circulated to the entire working group in September. We expect should be completed December 2012.

Agency Practice Manual Human Resources Chapter: Norway and Canada are reviewing survey responses to prepare an outline for the chapter. The project team expects to have an outline by October.

Investigative Process Project: The project team, led by DG COMP and US FTC, had two project calls since Rio, developing a project plan and timeline for this ICN year. The project team is surveying existing material on the topic.

Curriculum Project: The module on developing countries, led by Professor Eleanor Fox and AAI's Bert Foer is well underway. The module will include participants from Argentina, Barbados, Botswana, Canada, Mexico, and South Africa. There is an initial outline for the investigative skills module, led by the US FTC. The module on advocacy is moving forward, led by US NGA Terry Calvani and the Irish Competition Authority. A fourth module is under consideration.

Issues for Steering Group

The Working Group co-chairs would appreciate it if Steering Group members would encourage NGAs for this group.

Cartel Working Group Update September 2012

Working Group

Major group-wide events and activities since the annual conference include:

- There was an introductory Working Group Chairs and Subgroup Chairs call in June 2012. In a follow up call in September 2012 the chairs discussed level of participation in future work.
- For 2012/2013 ICN working year, SG1 is in charge of organizing a series of discussion calls/webinars for members and NGAs to share experiences and discuss enforcement issues.
- On 26 June 2012, SG 1 organized the first call where the annual program was discussed. A call for interest has been launched for speakers for the leniency calls. As a result, many colleagues have volunteered for speakers/moderators for the calls.
- Several SG 2 calls were held since the Annual Conference in preparation of the upcoming Cartel Working Group Workshop and to plan the projects for the year ahead.
- New members and NGAs
 - The Cartel Working Group continues to attract new members and NGAs. In the last three months about ten requests to be added to the Working Group have reached the Chairs. All of these requests were granted.

Project Updates

SG 1 has established the planning for the Leniency call series as follows and secured the dates in the planning of ICN activities.

- October 16th 2012 'Leniency Fundamentals'
- November 13th 2012: 'Leniency considerations in multijurisdictional investigations'
- December 12th 2012: 'Interaction between leniency programs and private enforcement (including disclosure of leniency documents)'
- January 23rd 2013: SG1 discussion call series on leniency
- February 12th 2013: SG1 discussion call series on leniency
- March 13th 2013: SG1 discussion call series on leniency
- April 8th 2013: SG1 discussion call series on leniency

The topics of the calls in 2013 will be confirmed later this year. The JFTC will also organize an 'Asian/Pacific' friendly call in 2013.

The next ICN Cartel Workshop will take place in Panama City from October 2-4, 2012, and preparations are well under way. By mid September more than 90 participants had registered for the event (Workshop website is available at <http://www.acodeco.gob.pa/icn-home.asp>).

The drafting team for the new Anti-Cartel Enforcement Manual chapter on International Cooperation and Information Sharing has been confirmed – Canada, the European Commission,

Italy, Pakistan and Russia will participate. The drafting team has prepared a work plan and intends to circulate a draft outline to SG 2 members during the week of September 24. The drafting team is consulting with the APEC and OECD, to take advantage of the wealth of information already available on this topic. The chapter will be finished in time for the 2013 ICN Annual Conference.

On July 18, SG 2 members were reminded to complete/update their Anti-Cartel Enforcement Templates. Completing/updating Templates will be an ongoing project.

A new page on the ICN website, with links to the Charts Summarizing Information Sharing Mechanisms, will go live shortly. Completing/updating Charts will be an ongoing project.

Merger Working Group Update September 2012

Working Group

Major group-wide events and activities since the annual conference include:

- The group held its first membership call on 18 June and on a monthly basis since, providing project status updates and soliciting additional participants for each project. The next membership call will be held on 20 September.
- The group is actively preparing its upcoming Workshop on "the Role of Economic Evidence in Merger Analysis" to be hosted by the Colombian Superintendencia de Industria y Comercio on 8 and 9 November in Bogotá, Colombia.
- The group plans to hold 3 teleseminars in the coming months, the first one possibly during the 3rd or 4th week of October on issues in updating national merger guidelines. These teleseminars will likely be open to NGAs as well.
- New members: the group has welcomed four new members to date (Competition Authority of Botswana, the Gambia Competition Commission, the CARICOM Competition Commission and Norway), so the group now counts a total of 58 agencies (with approximately 20-25 agencies participating on each call to date).

Project Updates

Project on Economic Analysis in Merger Review: A first draft of the proposed outline for the revised chapter has been shared with the group. Comments were due on 7 September. The UK OFT, the German Bundeskartellamt, the Taiwan FTC, the Israeli Antitrust Authority and the South Africa Competition Commission have volunteered to be part of the drafting team. A first conference call with the drafting team will be held in September. The group aims to have a final approved outline prior to the Workshop.

Workshop on the role of economic analysis in merger review: the Colombia Competition Authority and the co-chairs are actively preparing the upcoming workshop. The website is operational, registration is ongoing (deadline of the 5th of October), the agenda is being finalized and panellists and moderators are being lined up. The entire event is open to NGAs.

International Merger Enforcement Cooperation: The group will review carefully the initial feedback on the OECD/ICN Joint International Enforcement Cooperation Survey, discuss it during a membership call to identify and develop proposals to further enhance international merger cooperation.

ICN Framework for Merger Review Cooperation: the Japan FTC is collecting and maintaining a contact list of liaison officers for participating agencies in this Framework. Approximately 30 agencies have already joined the Framework. The deadline for agencies to reply is 14 September. The group intends to survey participating agencies in early February to gather any feedback, issues, suggestions they may have to improve it. A report on this survey will be generated by mid-March and presented at the ICN Annual Conference.

Work to Promote Familiarity, Use, and Implementation of Working Group Work Product: The US FTC and the Australian Competition Authority continue to lead the group's efforts to assess the

level of use and implementation of working group work product, particularly the implementation of the Recommended Practices. They are currently developing a self-assessment tool for members to use to analyse their merger analysis practices, based on the Merger Analysis Recommended Practices and Merger Guidelines Workbook. The group aims to discuss their first draft during a membership call after the Workshop. The group also plans to conduct 2-3 teleseminars/webinars on current merger topics.

Issues for Steering Group

The Working Group co-chairs would appreciate it if Steering Group members would encourage Agencies to participate in the upcoming workshop.

Unilateral Conduct Working Group Update

September 2012

Working Group

Major group-wide events and activities since the annual conference include:

- The group submitted its work plan for 2012-2013 to the Steering Group, and the new plan was approved by the Steering Group in June. The work plan includes producing a workbook chapter on Exclusive Dealing to be completed in time for the next Annual Conference, a regional workshop in July in Singapore and three teleseminars through the year.
- In July, the Working Group held a teleseminar on 'Legal and Economic Assessment of Exclusive Dealing'. The seminar included presentations from the South African Competition Commission, the Zambian Competition Commission and McMillan LLP and was chaired by the OFT. The teleseminar covered specific cases in South Africa, Zambia and Canada as well as drawing out some of the key theme such as the role of market power and remedies. Over 50 callers dialed in to the teleseminar.
- The Working Group will hold a further teleseminar in October/November. The provisional topic is 'Enforcement Co-operation'.
- The UCWG organized a regional workshop in Singapore on July 24-25 based around a hypothetical of an Exclusive Dealing case.
- There is a member and NGA call scheduled for 19 September. Previous member calls were held in May and June 2012.
- New members and NGAs
 - More than half a dozen new members joined the Working Group, all being NGAs.

Project Updates

Regional Workshop in Singapore, 24-25th July: The regional workshop was based around a hypothetical exclusive dealing case involving ticket agents and venues. This hypothetical was itself loosely based on a real case previously taken by the Singapore Competition Authority. The hypothetical worked very well in drawing out issues and stimulating discussion. Philip Collins, Chairman of the OFT gave a keynote talk at the workshop on the trade-offs encountered in unilateral conduct cases.

Exclusive Dealing chapter: Drafting teams have been organized and drafting is now underway. Drafting teams are scheduled to produce expanded outlines of the sections they have been allocated by the end of November.