MISSION

The mission of the Agency Effectiveness Working Group (AEWG) is to identify key elements of a well-functioning competition agency and develop best practices for agency strategy, planning, implementation, operations, and investigative tools and procedures.

ORGANISATION

The Working Group’s co-chairs are the Mexican Federal Competition Commission, the Norwegian Competition Authority, and the US Federal Trade Commission. The Group comprises 65 ICN members and also includes legal, economic, and academic NGAs from around the world. The Working Group holds periodic teleconferences with all members and NGAs. Each year, the co-chairs agree on the organization of work and division of tasks for the coming year.

LONG TERM GOALS

To achieve its mission, the Working Group strives to:

- provide a forum for sharing experiences and agency practices
- help members improve the quality of agency operation and procedures
- encourage agencies to evaluate their effectiveness, engage in strategic planning and implementation, set priorities, develop project delivery techniques and knowledge management systems, and improve their investigative processes
- develop guidance for running an effective agency and establishing an effective investigative process
- through the ICN Curriculum Project, develop online training modules on competition policy and enforcement issues that highlight ICN work product
- promote implementation of the Group’s work product
2013-2016 STRATEGIC PLANS

Over the next three years, the AEWG will guide its work program based on the following considerations:

**Goal: Create new work product that addresses the needs of ICN members.**

Continue Development of the ICN Curriculum

The AEWG will continue to develop new, and refine existing, training modules for the ICN Curriculum Project. As more modules are developed, the Project is adapting its structure to pursue innovative formats and present a wider range of available content across enforcement and policy issues at both introductory and more advanced levels. The Project will continue to draw upon the expertise and insights of interested ICN members and NGAs, including a mix of presenters that includes agency officials, academics, and experienced practitioners. The Project will also draw upon the insights of all ICN Working Groups, existing member training programs, and ICN work product to contribute to the development of new modules.

Potential new project topic: Agency Evaluation

This topic was identified as a potential future chapter for the Agency Practice Manual. Agencies face challenges in evaluating the effectiveness of their activities. Evaluation could include both an agency’s overall mission and results across enforcement and policy efforts, as well as specific investigations or advocacy efforts. It may include formal, written evaluation and analysis or involve ‘soft’ benchmarking with similar counterparts. In considering work on this topic, the WG will recognize and assess existing work on evaluation developed in the ICN and elsewhere.

Potential new project topic: Agency Communication and Accountability

This topic was also identified as a potential chapter for the Agency Practice Manual. This could include how an agency communicates both internally and externally. Accountability includes both formal accountability to a political body exercising oversight and more general accountability to all stakeholders, especially consumers. In considering work on this topic, the WG will recognize and assess existing work on competition agency messages and interaction with various stakeholder groups developed in the ICN Advocacy WG and elsewhere. The WG may use teleseminars and informal discussions to help scope the potential work on this topic.
Potential new project topics: Cross-Working Group Issues

The AEWG may be able to add value on aspects of topics that touch upon agency effectiveness that arise in other Working Groups. For example, topics such as the institutional issues that contribute to international cooperation or how agencies organize their legal, economic, or international policy teams may be worth considering.

Potential new project topic: Agency institutional framework, structure and design

The group will consider studying reforms that impact competition agencies, including legislative changes to an agency's legal framework, mandate, or enforcement powers, as well as significant internal reforms of structure or policy. This project area may address aspects such as how and why agencies (or governments) undertake reforms, the competition agency’s role in reform, and how agencies can use reform to improve their effectiveness. The output for this project area could include seminars, workshops, comparative reports, and potentially also practical guidance.

Goal: Promote implementation of existing work product

Agency Practice Manual

The principle that underlies the Agency Practice Manual is that how an agency organizes its operations can fundamentally affect the quality of its substantive initiatives. Through 2012-13, AEWG has produced chapters on strategic planning, project delivery, knowledge management and human resources management. The AEWG will pursue ways to promote the Manual including feedback via ‘road-testing’ by interested members and NGAs, implementation surveys, and promotional teleseminars, webinars, discussion calls, and workshop sessions.

Promote AEWG work product via the AIN

The ICN’s Advocacy and Implementation Network offers interested members the opportunity to consult with Working Group Chairs and other active members and NGAs about the existing work product and how it might inform their own work. As appropriate, the AEWG will seek to partner with the AIN, and support other similar ICN opportunities for implementation, to address member inquiries related to agency effectiveness issues.
Goal: Foster consensus and develop agency guidance

Investigative Process

The Investigative Process Project seeks to increase understanding among ICN members of how different investigative processes – both investigative tools and procedures – can contribute to enhancing the effectiveness of agencies’ decision-making. In 2012-13, the Project began by addressing investigative tools and transparency practices. The Project’s mandate calls for the group to gather information and share experiences regarding agencies’ investigational procedures, and based on this work, consider developing ICN guidance or recommendations. Going forward, the Project will add the other topics identified in its mandate, for similar member input and view towards agency guidance on investigative process.

Goal: Increase member and NGA participation

The AEWG will continue efforts to engage more ICN members and NGAs through the development of new work product of value to WG participants; implementation efforts for existing work product; teleseminars, webinars and discussion calls on timely topics of interest; workshops; and other interaction. NGAs will remain an integral part of the AEWG’s work, with all members encouraged to invite and involve active NGA participation.
AEWG Working Group
2013-2014 Annual Plan

1. **New Work**
   a. Investigative Process

   The Working Group will continue its project on Investigative Process. The Project addresses how enforcement tools and procedures can contribute to enhancing the effectiveness of agencies’ investigative processes.

   In 2012-13, the Project addressed two aspects of its mandate: agency enforcement tools and agency transparency practices. In 2013-14, the Project will pursue further work on tools and transparency arising from the stocktaking results on each topic. The Project will also add another topic from its mandate: agency confidentiality practices and legal privilege. The Project will conduct a similar stocktaking exercise on the new topic that includes a survey for member input, with a view to identifying practices appropriate for ICN guidance, and integrating the new topic with the work accomplished on investigative tools and transparency.

   The Investigative Process Project is co-chaired by the US FTC and EC’s DG-Competition.

   b. Curriculum project

   The Working Group will continue to develop new online training modules for the ICN Curriculum Project, with a target of 3-4 new modules for 2013-14. The Project team will evaluate commitments and resources for additional modules and will continue to work with Working Groups and interested NGAs to develop modules. Potential topics for new modules include: an introduction to the ICN, enforcement cooperation, additional enforcement-related modules on topics such as cartel investigation or an overview of unilateral conduct enforcement, aspects of agency effectiveness or advocacy, compliance with antitrust laws, and more in-depth treatment of topics covered by the basic modules.

   The Curriculum Project is led by the US FTC and a Project group of interested members and NGAs that have developed existing modules.

2. **Implementation**
   a. Agency Practice Manual

   In 2012-2013 the Working Group completed draft chapters for the ICN Agency Practice Manual on Effective Knowledge Management (KM) and Human Resources Management (HR). The KM chapter examines the various ways in
which competition agencies manage institutional knowledge. The HR chapter focuses on an area of paramount importance to the success of any competition agency: the quality and effectiveness of its people. Both chapters were presented as advanced drafts for discussion at the annual conference in Warsaw.

In 2013-14, the Manual project team will conduct an evaluation exercise for the KM and HR topics, to include aspects such as: ‘road-testing’ by interested members; feedback from interested academics and other NGAs; promotional teleseminars and webinars; a short familiarity and implementation survey; and Working Group discussion calls or workshop sessions. Such feedback will inform the need for any revisions, to be completed in 2013-14. This evaluation may also include the previously completed Manual.

The ongoing work of the Agency Practice Manual is led by AEWG co-chairs the Mexican Federal Competition Commission and the Norwegian Competition Authority.

b. Existing ICN Curriculum Modules

The Curriculum Project Team will seek feedback from users to evaluate the technical aspects and content of existing modules to ensure the project is meeting the expectations of its target audience and to consider potential improvements as well as topics for new modules.

c. Teleseminars and Webinars

The WG will continue to host teleseminars, webinars, or WG discussion calls to promote its existing and ongoing work. Potential topics include those from the Agency Practice Manual, the investigative process project, and other agency effectiveness or institutional design issues.

d. Workshop

Building on the successful ICN workshops addressing agency effectiveness issues in 2009, 2010, and 2012, the Working Group will consider hosting a workshop in 2014 that will address topics covered by ongoing or planned AEWG work, including on investigative process or other institutional effectiveness topics. For a future workshop, the AEWG co-chairs and workshop host will lead a project group of interested members to plan the agenda.

3. Evaluation

Based upon feedback to the annual plan and group discussion of project objectives, each project will produce a specific project plan by September 2013.
How the AEWG evaluates the use and utility of its projects will vary. The success of the written work product can be measured by participating agencies and NGAs, reported use by agencies, and impact on member policies or practices. Seminars and workshops will be evaluated by participation levels and feedback.

**PROJECTED 2013-14 SCHEDULE**
Proposed dates are subject to change. Project-specific calls may be added as needed.

<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 23, 2013</td>
<td>AEWG call: Curriculum Project</td>
</tr>
<tr>
<td>June 5</td>
<td>AEWG call: introduction to 2013-14 work plans</td>
</tr>
<tr>
<td>June 12</td>
<td>AEWG call: introduction to 2013-14 work plans</td>
</tr>
<tr>
<td>July or August</td>
<td>AEWG update</td>
</tr>
<tr>
<td>September 9</td>
<td>AEWG teleseminar: agency communication via social media</td>
</tr>
<tr>
<td>September 18</td>
<td>AEWG call: WG project plans &amp; investigative process survey</td>
</tr>
<tr>
<td>October 16</td>
<td>AEWG call</td>
</tr>
<tr>
<td>November 13</td>
<td>AEWG call</td>
</tr>
<tr>
<td>November 18</td>
<td>Teleseminar</td>
</tr>
<tr>
<td>December 11</td>
<td>AEWG update call</td>
</tr>
<tr>
<td>January 15, 2014</td>
<td>AWWG call: focus on investigative process</td>
</tr>
<tr>
<td>January 20</td>
<td>Teleseminar</td>
</tr>
<tr>
<td>February 12</td>
<td>AEWG call: focus on curriculum and agency practice 2014-15 work plans developed</td>
</tr>
<tr>
<td>March 10</td>
<td>Teleseminar</td>
</tr>
<tr>
<td>March 19</td>
<td>AEWG call: focus on investigative process work product</td>
</tr>
<tr>
<td>April 2</td>
<td>AEWG call</td>
</tr>
<tr>
<td></td>
<td>Finalized 2014 work product</td>
</tr>
</tbody>
</table>
ANNEX

AEWG Past Work

*Competition Agency Practice Manual*

- Chapter 1. Strategic Planning and Prioritization
- Chapter 2. Effective Project Delivery
- Chapter 3. Knowledge Management
- Chapter 4. Human Resource Management

*Investigative Process Project*

- Issues Paper and Mandate
- Report on Investigative Tools
- Report on Agency Transparency Practices

*Curriculum Project*

For the full website, see [here](#).
- Module I-1: The Origins and Aims of Competition Policy
- Module I-2: Major Characteristics of Competition Policy
- Module I-3: Market Definition
- Module I-4: Market Power
- Module I-5: Competitive Effects
- Module I-6: Planning & Conducting Investigations
- Module II-2: Leniency
- Module III-2: Predatory Pricing
- Module IV-1: Handling Merger Investigations

*Workshops*

- 2009  Brussels Workshop
- 2010  London Workshop
- 2012  Washington DC Workshop