

ICN Steering Group Meeting
Wednesday, April 10, 2013
7:00 am (Mexico City) / 8:00 am (Ottawa) / 2:00 pm (Brussels)

Attendees

Australian Competition and Consumer Commission
Barbados Fair Trading Commission
Brazilian Administrative Council for Economic Defense
Competition Bureau Canada
European Commission DG Competition
French Autorité de la concurrence
German Bundeskartellamt
Japan Fair Trade Commission
Italian Autorità Garante della Concorrenza e del Mercato
Korea Fair Trade Commission
Mexico Federal Competition Commission
Netherlands Authority for Consumers & Markets
Polish Office of Competition and Consumer Protection
Russian Federal Antimonopoly Service
Turkish Competition Authority
United Kingdom Office of Fair Trading
United States Department of Justice
United States Federal Trade Commission

Item 1. Approval of Agenda and Minutes

The Steering Group approved the proposed agenda and minutes of the March 14 meeting, subject to any comments submitted to the Secretariat by Friday, April 12.

Item 2. Selection of 2013-2015 Steering Group Members and nomination of chair

The ICN Secretariat (Secretariat) reported on applications for Steering Group membership for the 2013 – 2015 term and the process for chair selection.

In accordance with Section 3.2.1 of the ICN's Operational Framework, the maximum number of elected Steering Group members is 18, plus at least 3 ex officio conference host members.

In March 2013, the Secretariat emailed ICN members about their interest in serving on the ICN Steering Group. The Secretariat received expressions of interest from the following ICN members:

- Australian Competition and Consumer Commission,

- Barbados Fair Trading Commission,
- Brazilian Administrative Council for Economic Defense,
- Competition Bureau Canada,
- European Commission DG Competition,
- French Autorité de la concurrence,
- German Bundeskartellamt,
- Japan Fair Trade Commission,
- Italian Autorità Garante della Concorrenza e del Mercato,
- Korea Fair Trade Commission,
- Mexico Federal Competition Commission,
- Netherlands Authority for Consumers & Markets,
- Polish Office of Competition and Consumer Protection,
- Russian Federal Antimonopoly Service,
- South African Competition Commission,
- Turkish Competition Authority,
- United Kingdom Office of Fair Trading,
- United States Department of Justice, and
- United States Federal Trade Commission

Some Steering Group members questioned whether the lack of new applicants for membership on the Steering Group was an implicit endorsement of the Steering Group or whether more needed to be done to attract new applicants. There was a general desire expressed for more rotation of Steering Group members.

Given that 19 candidates were interested in becoming an elected Steering Group member for the 2013 – 2015 term, it was decided that the Polish Office of Competition and Consumer Protection (UOKiK) will remain an ex officio member, and the current slate of Steering Group members was confirmed for the 2013-15 term. However, the issue of ex officio members, including their role and the possibility of 3-year terms ending during a non-election year, was noted. The Chair agreed that the Operational Framework Working Group should address these issues, including whether the disparate terms between elected and ex-officio members should be reconciled.

In accordance with the new chair selection process, Eduardo Pérez Motta submitted a written statement. Steering Group members expressed their gratitude for Pérez Motta's leadership and supported his continuing as Steering Group chair.

Item 3. Selection of new Working Group chairs

The Steering Group approved new co-chairs for the Operational Framework and Membership Working Groups. The Russian FAS and CADE (Brazil) were selected as co-chairs of the Operational Framework Working Group. The Italian Competition Authority will remain as the third co-chair, with the Canadian Competition Bureau stepping down

following the annual conference in Warsaw, Poland. Spain's Comisión Nacional de la Competencia will join the Korea Fair Trade Commission, as co-chairs of the Membership Working Group.

Item 4. Approval of ICN Work Products

The Steering Group approved the following work products for presentation at the 12th annual ICN conference in Warsaw.

Advocacy WG

- **Discussion Draft Competition Assessment Guidance** – draft guidance documents on the process and analytical framework for conducting competition assessments.
- **Draft Chapter on the Benefits of Competition** – a draft outline of a practical document on “Explaining the Benefits of Competition” dedicated to government and legislators, including an annex with messages and supporting evidence.

Agency Effectiveness WG

- **Survey Reports on Enforcement Tools and Transparency Practices** – comprehensive overviews of the range of agencies' investigative tools and the ways in which agencies provide transparency during their investigations.
- **Agency Practice Manual Chapters** – two additional draft chapters to the Agency Practice Manual, including one on knowledge management and one on human resources management.
- **ICN Curriculum Project Modules** – the Curriculum Project team developed new video training modules on planning an investigation, competition advocacy within government, and challenges faced by competition agencies in developing economies.

Cartel WG

- **Anti-Cartel Enforcement Manual chapter on International Cooperation and Information Sharing** – the manual chapter builds on the 2011 Subgroup 2 charts summarizing information sharing mechanisms.

Merger WG

- **ICN Investigative Techniques Handbook for Merger Review Chapter** – updated chapter 4 on “The Role of Economics and Economic Evidence in Merger Analysis.”

- **Self Assessment Tools** – tools for members to use to analyse their merger analysis practices, based on the Merger Analysis Recommended Practices and Merger Guidelines Workbook.

Unilateral Conduct WG

- **Unilateral Conduct Workbook Chapter** – additional workbook chapter on the analysis of exclusive dealing arrangements.

Steering Group members also approved the results of this year's Special Project, a summary of member experience working with courts and judges based on survey responses received; the report of the Cooperation Survey; the Activity Report on the ICN Advocacy and Implementation Network (2012-2013), prepared by the Japan Fair Trade Commission; the 2001-2013 Statement of Achievements, prepared by the BKA; and 2013 Executive Summary of ICN Work Products, prepared by the Italian Competition Authority.

Item 5. 2013 Annual Conference

The UOKiK reported on the final plans for the conference indicating that over 500 participants have registered.

Item 6. 2015 Conference Host

The Steering Group members selected the Australian Competition and Consumer Commission to host the 2015 annual ICN conference.

Item 7. Other Business

There was no other business.

Item 8. Future Meetings of the Steering Group

The next SG meeting will take place on Friday, April 26 in Warsaw.