

Note from the Chair for the April 10, 2013 Steering Group Meeting

April 3, 2013

Dear colleagues,

Next week is our last meeting before the Warsaw conference, and the main focus of our meeting is to review and consider for adoption the 2013 work product. Other agenda items include Steering Group member and chair selection, Working Group chair rotation, an update on the Warsaw conference, and the results of Steering Group member input about the 2015 annual conference host candidates.

If you would like to include additional items for discussion, please contact the ICN Secretariat (Secretariat.ICN@bc-cb.gc.ca) by Friday, April 5, 2013.

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

The Secretariat will present the first item on our agenda, selection of Steering Group members and chair selection. Regarding the chair selection process, as I previously indicated, I would like to continue to serve as Steering Group chair.

Pursuant to our new [process for chair selection](#), I wanted to share my 2012 vision statement (attached to this note, and available [here](#)) and provide you with a brief update on some of the progress made in the three initiatives I identified in that statement.

1. Enhanced Member Engagement

We have pursued enhanced member engagement on two tracks: (i) ensuring that the issues we address and tools we develop are responsive to a wide variety of needs, and (ii) outreach.

Vice Chair Andreas Mundt has led efforts to improve relevance and quality of our work product, working with the Horizontal Coordinator and working groups on the development of three year rolling work plans that prioritize work products that advance long term goals and emphasize the use and implementation of existing work product.

Vice Chair Bruno Lasserre has led the outreach workstream, preparing a path for participation for new members, and exploring other projects such as creating academic hubs.

In addition to these excellent initiatives, I have sought to improve communication with our members, including: issuing a quarterly *Chair's Update* to keep members and NGAs better informed about the work of the ICN; introducing and organizing ICN town hall teleseminars; coordinating two "intro to ICN" teleconferences for new members; and leading an ICN information session for attendees at the UNCTAD annual conference.

Also related to member engagement and outreach, I have sought to increase our joint work with other international organizations, including with the World Bank to host an event on the margins of the annual conference primarily aimed at members from younger agencies, and with the African Competition Forum to support their workshops and lay the groundwork for future joint events.

Finally, I am working with the Canadian Competition Bureau on efforts to better engage economists in the day-to-day work of the ICN, including through a dedicated breakout session in Warsaw.

2. Member Assistance with Reforms

As you know, we were able to identify [principles and a process](#) for supporting member's domestic reforms. The basic process is that upon member request, we will describe conformity between proposed reforms and ICN practices or principles. Often the results of this analysis will take the form of a letter, but it may take other forms as well, such as presentations or speaking engagements.

Last year we provided comments to Indecopi in Peru. Earlier this month we received a request from the COMESA Competition Commission, and we hope to be able to provide those comments by early May.

3. Increasing the Visibility of Competition Policy

Two of the spotlight projects for this initiative were carried out with the Advocacy Working Group. The first is a series of messages about the importance of competition, and I am pleased to report that the first draft of those messages will be submitted to the Warsaw conference. The second project is the preparation of guidance work – hopefully recommended practices – about the analytical framework for carrying out competition assessments of existing and proposed legislation.

In addition, as chair I have personally sought to carry the message about the importance of increasing the visibility of competition policy through speeches and lectures, including at conferences with agencies, the private bar, and policymakers in Berlin, Brussels, Florence, Geneva, Miami, Paris, and Warsaw, among others. I have also promoted this message domestically, through a series of meetings and conferences with the World Bank, OECD, Inter-American Development Bank, and members of the Mexican government. I have also given interviews and written short articles in *Concurrences*, the American Bar Association journal, *Euromoney*, and other publications. I am now in the process of drafting op eds for newspapers to carry the message to an even broader audience.

I have been very fortunate to count on many other ICN members' support in joint efforts to promote the visibility of competition policy, including from Australia, Colombia, France, the European Commission, and the United States.

Our conference hosts are also contributing to this dialogue, with a showcase panel on competition at the top of the global agenda, and welcoming international organizations such as with World Bank and the World Trade Organization.

Overall, I am personally very pleased with the progress we have made in the past eleven months. I am keenly aware that so much of this progress is due to the very hard work of my colleagues, including both ICN members and NGAs. I would like to take this opportunity to offer a heartfelt thanks for the support and leadership of my peers in these efforts.

Item 4. Approval of ICN Work Products

On the call, each working group will briefly present their work product for Steering Group approval. In doing so, I ask that the co-chairs describe the process for creating the work product, including the scope of member and NGA involvement, how the work product fits with the group's long term goals, and any plans to promote the work product.

Steering Group members also will be asked to approve 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 (circulated for and discussed at an earlier SG meeting); the 2001-2013 Statement of Achievements, prepared by the BKA; and 2013 Executive Summary of ICN Work Products, prepared by the Italian Competition Authority.

The work product received by Friday will be circulated to Steering Group members by the ICN Secretariat. Work product finalized after that date should be circulated directly to Steering Group members by Working Group Co-Chairs. The expected work product for Warsaw includes:

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 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.

I look forward to speaking with all of you next week.

With best regards,

Eduardo