



ICN STEERING GROUP MEETING
Wednesday, July 17, 2013
Teleconference (7:00 Mexico City / 8:00 Ottawa / 12:00 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
Moroccan Conseil de la Concurrence
Netherlands Authority for Consumers and Markets
Polish Office of Competition and Consumer Protection
Russian Federal Antimonopoly Service
Spanish Comisión Nacional de la Competencia
South African Competition Commission
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 June 19 meeting, subject to any comments submitted to the Secretariat by July 31.

Item 2. Chair Initiatives

The meeting began with a report on the Chair's initiatives.

Economist Exchange

The ICN has seen an improvement in the amount of economists participating in working groups ICN in the past few years, including in the unilateral conduct and merger working groups, with

several economists contributing to work product and as session leaders for workshops and webinars. The Chair noted that participation generally, however, has been somewhat ad hoc and limited to economists from only a handful of jurisdictions.

At the Warsaw conference, an optional breakout session was organized by the Chair and the Canadian Competition Bureau to share views on how best to involve economists in the ICN's work. The Chair reported on the responses to a survey completed by nearly 30 of the participants. The respondents indicated a demand for more opportunities for networking and experience sharing among competition agency economists. Nearly all survey respondents also indicated a desire for the ICN to develop case studies that demonstrate how economic analysis is applied in real world cases.

While acknowledging that at the Warsaw conference there were several programs of particular interest to economists, the Chair encouraged working groups to continue to provide this kind of programming through its webinars and workshops to attract more economists to the ICN and encourage their participation in the development of ICN work product.

Former Chair Consultation

The Chair reported on feedback received from former ICN chairs and vice chairs on how the ICN might meet the challenges created by the expansion of the ICN's membership and work program. The Chair had asked them what concrete steps the ICN might consider taking to promote and advocate for the adoption of ICN benchmarks and use of ICN work product. Mr. Fingleton re-emphasized the importance of looking externally and outward, both in terms of topics covered and audiences addressed. Mr. Takeshima (with input from JFTC Chairman Mr. Sugimoto) suggested working groups prioritize work products with the advocacy and implementation network – something that they have already begun to implement within AIN.

On member engagement, feedback received suggested that language difficulties, time differences, or the lack of resources – both in terms of staff and finances – may contribute to a lack of participation. Some options suggested include regional calls for particular time zones, regional workshops, teleseminars, and other regional events. The other suggestion was to conduct a survey on the use of work products.

COMESA Resource Person Request

COMESA requested an ICN representative participate at the meeting when the draft guidelines are discussed. The Chair reported that he had asked for more information from COMESA.

Implementation

The Chair presented improvements to the website designed to promote ICN work product, including links to all of the ICN recommendations and guidance documents on one page from the home page. Also posted are all of the training materials from all of the working groups –

workbooks and practice manuals and a page that compiles all of the cooperation related work. Members were encouraged to visit these pages and let the Secretariat know if there are other pages that could be created to promote awareness and implementation of ICN work product.

The United States Federal Trade Commission reported on the US agencies' efforts to gauge implementation of the Recommended Practices on Merger Notification & Review Procedures, including efforts to identify any trends, positive or negative, to which the ICN should be paying attention, and steps for the ICN to encourage implementation.

To facilitate implementation of the ICN work products, FAS-Russia expressed its willingness to engage in consultations with ICN AIN/AISUP and Cartel WG and discuss a possibility of presentation of the Anti-Cartel Enforcement Manual's Chapter on Information Exchange in Russian to the jurisdictions FAS provides assistance within AIN framework

Item 3. Chair Selection Process

An email was sent on June 25, 2013 soliciting interested candidates in the ICN Chair position to inform the ICN Secretariat by July 12, 2013. At the meeting, the Secretariat informed the Steering Group that Mr. Andreas Mundt, President of the Bundeskartellamt, is the only Steering Group candidate that expressed interest in serving as the ICN Steering Group Chair for the remainder of the 2013-2015 term. The Chair confirmed there are no other interested candidates. A special Steering Group call will be held in early September to elect Mr. Mundt by acclamation.

Mr. Mundt shared his initial thoughts on topics of importance to him that he plans to further advance as Chair, including: 1) a focus on work product, both in terms of choice of work product and of quality; 2) inclusiveness in the network, involving and reaching out to members, NGAs and international fora; and 3) implementation of ICN work product and ensuring that the ICN's work is relevant to members. He will prepare a written note to the Steering Group with proposals explaining how these three goals can be achieved. The Chair acknowledged Mr. Mundt's involvement in the ICN since the earliest days, his role as Vice Chair, and commitment to the ICN.

Item 4. Annual Conference

At the February 2013 meeting, Steering Group members approved the proposal for the Special Project on State Owned Enterprises (SOE). The Moroccan Conseil de la Concurrence reported on the status of the project and on conference planning. The objective for the project is to learn from and share the experience of other ICN members in enforcing the competition laws against anticompetitive conduct by SOE. The project will build on existing ICN work product and advance the discussion and debate through a host's showcase program and small group discussions at the annual conference. There will be a planning call at the end of the month and additional participation from Steering Group members on the project team was encouraged.

The 2014 ICN Annual Conference will take place at the International Conference Centre at the Palmeraie Golf Palace in Marrakech, Morocco. The conference website will be available by the end of October.

The United Kingdom Office of Fair Trading informed the Steering Group of a teleseminar planned on state owned enterprises organized by the Unilateral Conduct Working Group. In particular, he noted that the teleseminar will look at enforcement of competition law against anticompetitive state acts, and examine the experiences of various competition authorities in enforcing against unilateral conduct by the state/SOEs. Speakers also will discuss the degree of implementation of the Recommended Practices on State-Created Monopolies Analysis.

The Chair thanked the Polish Office of Competition and Consumer Protection (UOKiK) for circulating the results of the Warsaw conference evaluation. The results are largely consistent with the Steering Group discussion after the conference. Most of the delegates that completed the evaluation were satisfied or highly satisfied with the quality of the sessions and number of topics covered, as well as the UOKiK's organization of the conference. The Chair asked Working Groups take into account the desire for more opportunities for questions and discussion as they plan their 2014 programs.

Item 5. Membership Working Group

The Korea Fair Trade Commission (KFTC), in its capacity as the co-chair of the Membership Working Group, discussed outreach to African agencies to join the ICN and encourage their attendance at the Marrakech conference. The French Autorité de la concurrence supported these efforts, and informed the Steering Group that it plans to hold a conference call for competition agencies in the African region to encourage their participation.

The KFTC also reported on the development of membership criteria and membership issues that they plan to discuss in the Operational Framework Working Group, including the timing of applications, components of authority, and disbandment. The Chair commented that the Steering Group has addressed these kinds of issues on a case-by-case basis and in a practical, flexible manner and encouraged the Steering Group to continue to do so. The Chair supported the Membership Working Group's efforts to discuss these issues in the Operational Framework Working Group and determine if it is useful to develop a note to inform and guide the Steering Group.

Other members supported this flexible approach to membership contending there is no need for a highly detailed or inflexible set of rules. Rather the Steering Group should continue to apply the membership rules in a fact-based way to each circumstance. One member also commented that no experience is required to be an ICN member provided the agency is entrusted with enforcement of law.

As a Co-Chair of the Operational Framework Working Group, FAS-Russia confirmed the Working Group's commitment to review the membership issues raised by KFTC from the position of their consistency with ICN Operational Framework.

Item 6. Other Business

The Competition Commission of South Africa (CCSA) will host the 2013 ICN Cartel Workshop, in Cape Town, South Africa from October 16 until 18, 2013. The CCSA informed the Steering Group of an informal request from the Law Society of South Africa, a professional association for practicing attorneys within South Africa, to host a cocktail during the Cartel Workshop. According to the operational framework, a workshop host may accept funding from any source, provided that funds from non-governmental sources are notified in advance to the ACPC or Steering Group, or through the Working Group in the case of an ICN event. Any non-governmental sponsorship should not give rise to the perception of conflict of interest.

The CCSA also informed the Steering Group that it plans to hold a program on its Construction Fast Track Settlement Process the day prior to the Cartel Workshop.

The Unilateral Conduct Working Group announced their workshop, on exclusive dealing, which will be held in Stockholm, Sweden from September 17 until 18, 2013.

Item 7. Future Meetings of the Steering Group

The next Steering Group meeting will take place in early September.