



INTERNATIONAL COMPETITION NETWORK

**Activity Report on ICN Advocacy and
Implementation Network Support Program
(AISUP)
2009-2010**

Vice Chair for Advocacy & Implementation

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Introduction

The ICN, with the goal of promoting more efficient and effective antitrust enforcement worldwide by enhancing convergence and cooperation, over the past more than eight years has produced through its working groups work product beneficial for competition agencies.

To make best use of its increasing volume of work product, the network has sought ways of facilitating integration of these products with the work of member agencies.

To that end, the Vice Chair for Advocacy and Implementation (VC A&I) is responsible for developing and, with Steering Group approval, implementing a work plan to promote and advocate for the use of ICN work product by competition authorities throughout the world.

Under the auspices of the VC A&I, a group of volunteer ICN member agencies was convened in the Advocacy and Implementation Network (AIN) to support VC A&I activities in 2007, followed by the establishment of a framework named “Support System” to encourage the member agencies to make better use of ICN work product in 2008.

The name of “Support System” was then changed to “AIN Support Program” (AISUP) upon agreement of AIN members in 2009 in order to clarify that the programs are designed specifically to match each recipient’s request rather than a ready-made system, and the assistance does not include financial support.

The following is the activity report of the VC A&I during 2009-2010 to be reported to the 2010 Annual Conference, focusing on the promotion of the AISUP which was ranked as top priority among the VC A&I’s activities in the VC A&I 2009-2010 work plan.

1. Engagement of the AIN

(Project Description for 2009-2010)

The AIN, comprised of liaison officers for each of the ICN Working Groups, the VC A&I, and “liaison agencies”, was formed in 2007 to facilitate use of the Support System and keep informed of relevant legislative and policy developments of other jurisdictions.

(Achievements during 2009-2010)

During the ICN year, the VC A&I held AIN Conference Calls on October 9, 2009, December 11, 2009, February 8, 2010 and March 29, 2010. During the calls, VC A&I and AIN members discussed various issues, including the following:

(1) Operational framework of the AISUP and AIN membership

The VC A&I proposed the amendment of the Operational Framework of the

Support System to reflect the name change of the program to the AISUP, and it was approved by the AIN members.

In addition, the Australian Competition and Consumer Commission (ACCC) joined the AIN.

(2) Competition law and policy developments in member jurisdictions

VC A&I and AIN members periodically discussed competition law and policy developments in the ICN member jurisdictions, particularly younger agencies. For example, on the call of February 8, 2010, a participant in the Asian Development Bank Conference on January 11-12, 2010 in Manila made a briefing about the conference and competition law and policy developments in Southeast Asia.

VC A&I and AIN members also discussed potential participant agencies in the AISUP to reach out to in the absence of requests for assistance.

(3) AISUP implementation

Supporting agencies reported on the progress of implementation of their support programs (See “3. Management of the AISUP” below)

New assistance programs for Mongolia, Kazakhstan, Kyrgyzstan and Moldova were approved for implementation by the AIN members in accordance with the change of Operational Framework of the Support System (currently the AISUP),

(4) AISUP Flyer and website

The VC A&I and AIN members discussed the AISUP Flyer and registration form to be disseminated via the ICN website and other fora.

**2. Promotion of the AISUP
(Project Description for 2009-2010)**

The VC A&I will continue to promote the Support System (currently the AISUP) through various methods.

(Achievements during 2009-2010)

(1) AISUP Flyer and registration formula

The VC A&I created a flyer advertising the AISUP with the cooperation of AIN members and the Secretariat. It contains the purpose of the establishment of the AISUP, procedure for participation in the AISUP, and a list of exemplary ICN work products. Upon approval of the Steering Group meeting on October 21, 2009, AISUP Flyer is currently available at the link from the top page of ICN website at:

<http://www.internationalcompetitionnetwork.org/uploads/aisup-support-prog.pdf>.

The flyer has also been disseminated at various fora such as the following:

- ICN Cartel Workshop in Cairo in October 2009
- ASEAN Expert Group on Competition Workshop in Bangkok in November 2009
- Asian Development Bank Conference on Competition Policy Development in Southeast Asia in Manila in January 2010
- OECD's Global Forum on Competition in Paris in February 2010
- APEC's Competition Policy and Law Group (CPLG) -APEC Business Advisory Council Dialogue in Hiroshima, Japan in February 2010

The VC A&I and AIN members also created a new AISUP registration form for requesting jurisdictions and it will also be available on the ICN website.

(2) ICN Website

In addition to making the AISUP Flyer available at the ICN website, the VC A&I drafted the webpage for AISUP. This work was in line with the overall revision of ICN website which has been dealt with in the Website Subgroup. It will cover the purpose of the establishment of the AISUP, expected contents of the individual programs under the AISUP, registration formula for the participation, and so on.

(3) ICN Weblog

The article on the AISUP was posted on the ICN weblog on February 24th, 2010. It advertised the AISUP and contacted all possible agencies who need advice about specific ICN work products or assistance on how ICN recommendations and other guidance documents might be implemented within their jurisdiction.

3. Management of the AISUP (Project Description for 2009-2019)

The VC A&I manages requests to use the Support Program, and oversee specific projects, reporting as appropriate to the Steering Group about new participants.

(Achievements during 2009-2010)

(1) Vietnam

In 2009, a team to assist the Vietnam Competition Authority (VCA) composed of Australia, Brazil, Japan, and the United States was created, and they carried out an in-country seminar as well as three teleseminars on market definition, merger review procedure, institutional issues, and leniency programs between June and July 2009.

The JFTC proposed the VCA to continue the program and communicated with the VCA about their needs and possible schedule of the program. The VCA are interested in cartels, especially, the definition of cartels, detection of cartels, and cartel investigation. Several chapters of the Anti-Cartel Enforcement Manual and Building Block Report were identified as the ICN products corresponding to the needs of the VCA. The JFTC proposed a plan of holding teleseminars on cartels to the VCA and they agreed to start the program from early April of 2010. The JFTC would like to invite lecturers from not only within the JFTC but also AIN members. As a visit of some VCA staff is scheduled in April for the Japan International Cooperation Agency (JICA) training, the JFTC is considering collaborating with the JICA training and making a lecture on cartel investigation technique available for VCA staff in Vietnam via teleconference system.

(2) Zambia

The Bundeskartellamt (BKartA) has led the program with Zambia Competition Commission (ZCC), planning and implementing a training course. It was agreed between the BKartA and ZCC that unilateral conduct work product would be a good starting point. The BKartA and ZCC carried out a teleseminar and held ad hoc meetings. Afterwards, the BKartA and ZCC decided to proceed on a case by case basis.

(3) Mongolia

The Russian FAS has been taking steps to formulate an advisory assistance work plan for the Mongolian Authority for Fair Competition and Consumer Protection (AFCCP). Preliminary needs of the AFCCP in advisory assistance were (i) assistance in drafting antitrust laws and bylaws and (ii) dominance assessment techniques. After exchanges of questionnaire and response to further identify the needs of the AFCCP, the FAS dispatched the Advisor to the Chairman to Ulaanbaatar in February 2010. The Advisor made a presentation of ICN AISUP to the AFCCP Chairman and officials and held a two-days training session to AFCCP staff members. Currently the FAS is reviewing the draft new Mongolian competition law

(4) Kazakhstan, Kyrgyzstan and Moldova

The Russian FAS received official letters from the competition authorities of Kazakhstan, Kyrgyzstan and Moldova signed by their chief executive officers and requesting the FAS to provide these agencies with advisory assistance in implementing ICN work products in their practical work. The suggested assistance to the three competition agencies by the FAS can be planned and implemented similarly to the assistance to the Mongolian AFCCP. The FAS has bilateral cooperation programmes with all the agencies mentioned, so the issues related to implementation of the ICN

work products can be discussed in the course of mutual visits, e-mail and telephone contacts additionally to bilateral cooperation issues.

The AIN members approved the start of the new programs and the FAS proceeded to their implementation.

**4. Build awareness of ICN work product
(Project Description for 2009-2010)**

The VC A&I will identify opportunities to promote ICN work product.

(Achievements during 2009-2010)

(1) Japan International Cooperation Agency (JICA) training

An official of the US DOJ delivered lecture on ICN in the JFTC-JICA Group Training Course to Developing Countries held in Japan in 2009 following a similar lecture given by an official of the US FTC in 2008.

(2) Asian Development Bank (ADB) Conference on Competition Policy Development in Southeast Asia

At the ADB conference in January 2010, JFTC Chairman made a keynote speech and his staff made a presentation to introduce ICN activities, including the AISUP.

(3) APEC's Competition Policy and Law Group (CPLG) -APEC Business Advisory Council Dialogue

An official of US FTC made a speech in the Roundtable on Procedural Fairness at the APEC meeting in February 2010 focusing on ICN activities and ICN Recommended Practices for Merger Notification and Review Procedures.