

Advocacy Working Group (AWG)

Short Form Annual Plan

The mission of the Advocacy Working Group (AWG) is to improve the effectiveness of ICN members in advocating the dissemination of competition principles and to promote the development of a competition culture. The AWG develops practical tools and guidance and facilitates experience sharing among ICN member agencies.

The Working Group is co-chaired by the Superintendence of Industry and Commerce of Colombia, the Philippine Competition Commission, and the Competition Authority of Kenya.

2023 – 2024 Projects

In accordance with the long-term strategic goals of the 3-year plan, the Advocacy Working Group will work on the following projects during the 2023-2024 ICN year:

1. Update to the ICN Advocacy Toolkit (Finalizing in October 2023)
2. Expansion of Market Studies Information Store with a new section dedicated for international collaborative studies (Finalizing in October 2023)
3. Optimizing Advocacy to Enhance International Cooperation towards more Effective Enforcement (Finalizing in October 2023)
4. The 2023-2024 ICN-WBG Competition Advocacy Contest
5. Advocacy Workshop in Kenya, 22-23 February 2024
6. Interactions between Sector Regulators and Competition Authorities (New project)
7. Evaluating the Effectiveness of Advocacy Initiatives (New project)
8. Assessing Progress in Development of Successful Advocacy Strategies to the Judiciary (New project)

Project 1. Update to the ICN Advocacy Toolkit

The ICN Advocacy Toolkit provides an inspiration for the implementation of effective advocacy initiatives around the world. With the Toolkit, many competition authorities have been able to move forward, not only in their dialogue and engagement with other regulators, but also with the design of successful strategies aimed at gaining the public's awareness and recognition and market self-regulation.

Part 1 of the Advocacy Toolkit was already approved by the ICN Steering Group in April 2022.

Co-Chairs submitted a call of interest and a first draft of the Second Part of the Toolkit on the second half of 2022, receiving many inputs from Members and NGAs.

In May 2023, Co-chairs will send a second draft of Part 2 of the Toolkit for comments of the AWG Team.

Co-chairs expect to have the final version of the Second Part of the Toolkit approved before the Annual Conference of October 2023.

Milestones/timelines for ICN Year

April 2022	Final Draft “Part 1 - ICN Advocacy Toolkit” for approval of the Steering Group
July 2022	Survey on “Update of Part 2 - ICN Advocacy Toolkit”
November 2022	Webinar on “Update of Part 2 - ICN Advocacy Toolkit”
November 2022	First Draft “Part 2 - ICN Advocacy Toolkit”
May 2023	Second Draft “Part 2 - ICN Advocacy Toolkit”
October 2023	Final Draft “Part 2 - ICN Advocacy Toolkit” for approval of the ICN Steering Group

Contact details: Mateo Varela Martínez (mvarela@sic.gov.co)

Project 2. Expansion of Market Studies Information Store with a new section dedicated for collaborative studies

The project aimed to build a new section under the Market Studies Info Store – an online repository that collects and collates market studies/research reports that are not only conducted by the individual agencies, but also jointly conducted or as the result of collaborations between competition agencies. It is observed that in recent years competition agencies, especially those in the same region or sharing similar economic background or are members of a forum, have increasingly cooperated to carry out studies and research projects, in particular on digital economy and other sectors which have the fundamental character of transnationality.

These cross-agency studies often serve as the first step for competition agencies to have a better understanding of these emerging markets/issues, potential impacts on competition and thus lay the groundwork for agencies’ future enforcement work and further cooperation. This project recognizes and highlights the ever-growing importance of international cooperation between competition agencies in the realms of advocacy work. This work builds on the AWG’s existing Market Studies Info Store, which will be further promoted among the AWG Members as the Info Store’s expansion is undertaken.

The Info Store includes some international collaborative market studies/research projects that have been conducted in the last five years and shall be updated biennially.

Milestones/timelines for ICN Year

June 2022	Initial desktop research to identify studies, including joint studies across the regions
August 2022	Review and refine the existing Info Store proforma to cover details specific to collaborative studies
October 2022	An open call for submission by agencies on market studies conducted
November 2022	End of submissions
December 2022	Extension of submissions
January 2023	Consolidation of all received submission
February 2023	Analysis and development of 1st draft report. Circulation to co-chairs for comments
March 2023	Incorporation of co-chairs comments
April-May 2023	Circulation of the 1 st Draft to members
June 2023	Incorporation of member comments and 2 nd draft for SG approval
July-August 2023	Incorporation of SG comments and circulation back to members
September 2023	Final draft for approval by SG

Contact details: Dr. Adano Roba (aroba@cak.go.ke) and Ninette Mwarania (nmwarania@cak.go.ke)

Project 3. Optimizing Advocacy to Enhance International Cooperation towards more Effective Enforcement

This project provides practical guidance and support for Competition Agencies in availing of advocacy to further improve cooperation efforts towards more effective cross-border enforcement.

The Project had two phases: (i) sharing and collection of national experiences in the use of advocacy as a means to improve international cooperation in enforcement activities. This includes lessons and insights Competition Agencies have gained in dealing with cross-border competition issues; and (ii) from this exercise, extraction, and consolidation of a set of good practices and modalities in optimizing advocacy as a tool to improve international cooperation in enforcement activities. This consolidation includes an identification of

strategies that may be adopted by Competition Agencies to remove or address limitations to international enforcement cooperation.

Just as in the Joint OECD/ICN Report, this Project aimed to improve international cooperation, albeit through advocacy efforts, underscoring what has worked well and exploring and showcasing new ways to address the limitations pointed out in the report.

Milestones/timelines for ICN Year

May 2022	AWG Plenary at the ICN Annual Conference
August 2022	Call for contributions – Success Stories and National Experiences
September 2022	Webinar – Success Stories and National Experiences
February-March 2023	1 st draft report – Good Practices and Modalities. Call for comments from AWG members and NGAs
April 2023	Incorporation of comments from AWG members and NGAs
May 2023	Review and finalization of the second draft of the report by the PCC
May-June 2023	2 nd draft for submission to SG for their review and comments
June-July 2023	Incorporation of SG comments and submission of the final draft back to the SG for approval

Contact details: Kenneth V. Tanate, PhD (kvtanate@phcc.gov.ph) and PCC ICN AWG Staff (icnadvocacytwg@phcc.gov.ph)

Project 4. The 2022-2023 ICN-WBG Competition Advocacy Contest

This contest aims to highlight the key role Competition Agencies play in promoting competition through showcasing advocacy success stories. This project has attracted the attention of both younger and experienced agencies and has positioned itself as an important incentive to promote advocacy actions throughout the world.

Following the success of the past joint editions between 2014 and 2022, the ICN and the WBG will send the call of interest of the ICN/World Bank Advocacy Contest in **May 2023**.

There are two themes for this year’s contest:

- Theme 1: Competition advocacy in times of crisis
- Theme 2. Competition advocacy with the help/support of another national or supranational authorities

Milestones/timelines for ICN Year

May 2023	Launch of the ICN/World Bank Advocacy Contest
October 2023	Announcement of the winners of the 2023 ICN/World Bank Advocacy Contest

Contact details: Michele Pacillo (michele.pacillo@agcm.it)

Project 5. Workshops

The Advocacy Working Group will host one workshop with the objective of fostering experiences and best-practices-sharing in advocacy among competition officials and nongovernmental advisors.

This workshop will be organized in Nairobi, Kenya, hosted by the Competition Authority of Kenya. The proposed dates for the workshop will be 22nd – 23rd February, 2024. The theme for the workshop is Bouncing Back: Competition Advocacy and Resilience to Global Shocks. This theme is informed by the myriad economic shocks experienced by jurisdictions and their impact on different economies. The workshop will interrogate the role played by competition advocacy in building economic resilience.

Milestones/timelines for ICN Year

February 2023	Notice to members sent out, with a request to propose discussion areas
March 2023	Appointment of a delivery team at the Authority, and commencement of an event management company (EMC) procurement
May 2023	Finalizing the procurement of the EMC
June-Dec 2023	TBD
February 2024	2024 Advocacy Workshop in Nairobi, Kenya

Contact details: Adano W. Roba (aroba@cak.go.ke) and Ninette K. Mwarania (nmwarania@cak.go.ke)

Project 6. Interactions between Sector Regulators and Competition Authorities (New project)

Traditionally, there has been a debate on how Competition Authorities should interact with Sector Regulators in discussions of deregulation in areas such as natural monopolies. In this regard, in recent years, attention has been focused on the involvement of Competition Authorities and Competition Policy in the environmental area against the backdrop of growing concern for GHG emission, and also in areas related to the data collection from the perspective of personal data protection. On the other hand, Sector Regulations have broader objectives, and this may make them incompatible with Competition Policy in some

cases. Inconsistent decisions by Sector Regulators and Competition Authorities can create uncertainty for market participants.

Based on the above background, this Project aims to collect experiences on how Competition Authorities have been interacting with Sector Regulators in terms of advocacy. What frameworks are most effective as a form of interaction, including Joint Guidelines, MOUs and legally backed frameworks, and what are the advantages of each when advocacy is the main objective?

The project is still under discussion.

Milestones/timelines for ICN Year

April 2024	Circulation of Questionnaires
Sep 2024	Circulation of Draft of Report/Invitation of Comments
Dec 2024	Finalization of Report

Contact details: Yasuhiro Yoshikawa (icn-advocacy@jftc.go.jp)

Project 7. Evaluating the Effectiveness of Advocacy Initiatives (New project)

The Project will look at how effective the advocacy initiatives of young and mature competition agencies are in reaching and engaging specific stakeholders, most importantly in the grassroots, where the small- and medium-sized enterprises (which account for majority of firms in most countries) operate.

Tied to the Advocacy Workshop to be organized by the Competition Authority of Kenya in February 2024, this Project will have two phases. The first is the gathering of case studies and/or experience sharing of competition agencies based on the following sets of questions (tentative):

- a) For young and mature competition agencies, where are they in the consumer journey?
Are they still in the awareness stage?
- b) Are competition agencies setting annual targets on awareness for specific stakeholder groups?
- c) How do competition agencies evaluate the effectiveness of their advocacy initiatives? What performance metrics are they using?
- d) How are the advocacy initiatives of young and mature competition agencies faring vis-à-vis their targets?

The second phase of the Project will be a report that consolidates the best practices of competition agencies in monitoring and evaluating their advocacy initiatives. Similar to the

2018 AWG work product titled, “Assessing Competition Advocacy Strategies,” this report may also inform both young and mature competition agencies of the different ways the effectiveness of advocacy initiatives can be measured and/or evaluated, as well as identify common practices and trends despite the varying methodologies in monitoring and evaluation among competition agencies.

Milestones/timelines for ICN Year

Q3 2023	Selection and invitation of panelists – Session on Evaluating the Effectiveness of Advocacy Initiatives for the 2024 Advocacy Workshop in Kenya
Q4 2023	Call for inputs/contributions from AWG Members and NGAs – Success Stories and National Experiences
Q1 2024	Kenya Advocacy Workshop Session – Evaluating the Effectiveness of Advocacy Initiatives
Q2 2024	First draft report – Success Stories and National Experiences (call for inputs from AWG Members and NGAs; Discussions from the Kenya Advocacy Workshop Session on Evaluating the Effectiveness of Advocacy Initiatives)

Contact details: Kenneth V. Tanate, PhD (kvtanate@phcc.gov.ph) and PCC ICN AWG Staff (icnadvocacytwg@phcc.gov.ph)

Project 8. Assessing Progress in Development of Successful Advocacy Strategies to the Judiciary

This project will look whether young and developing competition authorities have been successful in formulating advocacy strategies to the judiciary, building on the work done by the ICN in 2006 – 2007. Depending on the outcome of the project, we suggest that a second phase could be undertaken to look at how those strategies can best be further developed, with a particular focus on young and developing agencies.

In 2006, the ICN produced a report on a survey it had conducted. The survey of ICN member authorities focused on the relationship between competition authorities and the judiciary. This was followed up with a series of case studies, which were presented in a further report in 2007.

Both the survey and the follow up case studies indicated that young and developing agencies reported certain problems with their relationship with the judiciary, including a lack of specialist competition knowledge within the judiciary. The case studies briefly addressed measures that young and developing agencies had taken to try to address these issues.

As this work was undertaken some time ago (2006 – 2007), this project will focus on three questions which will ultimately allow us to develop a work product focused on successful advocacy strategies to the judiciary, with particular focus on young and developing agencies.

1. Are young and developing competition authorities now experiencing similar issues in their relationships with the judiciary as were reported by young and developing agencies in 2006?
2. Have those agencies surveyed in 2006 – 2007 and that were at that time young and developing materially overcome the problems they reported in 2006 – 2007 or are they still experiencing the same problems to the same extent?
3. If they are still experiencing the same problems to the same extent, why have the advocacy strategies to the judiciary that they were developing in 2006 – 2007 been unsuccessful, in their view? If they are not still experiencing the same problems to the same extent, to what extent is this attributable to the advocacy strategies they have developed? Which strategies have been successful and why?

By obtaining survey evidence on these questions, we will be able to:

- a) understand which strategies (if any) were successful for agencies that were “young and developing” in 2006 (but which are now more mature agencies); and
- b) move on in a second phase of the project to address how (more) successful strategies can be formulated and/or developed.

We will need to:

- a) Develop a questionnaire that is closely based on the 2006 questionnaire. It would be extremely useful to have access to the 2006 questionnaire and the responses.
- b) Issue a call to ICN members to complete the questionnaire.
- c) Analyse the responses.
- d) Produce a report addressing the three questions outlined above.
- e) Consider second phase of project as appropriate, depending on the responses received, which will look at development of successful advocacy strategies.

Milestones/timelines for ICN Year

November – December 2023	Obtain previous version of questionnaire and responses.
Q1 2024	Prepare new questionnaire
Q1 2024	Call for response to questionnaire and send out questionnaire
Q2 2024	Analysis of responses to questionnaire
Q3 2024	Circulate first draft of report to respondents and AWG Steering Group for comments
Q4 2024	Produce final report

Contact details: Michael Byrne (CEO) (michael.byrne@gcra.gg) and Sarah Livestro (Legal Director) (sarah.livestro@gcra.gg)