



INTERNATIONAL COMPETITION NETWORK

ICN WORKING GROUP CO-CHAIR HANDBOOK

2ND Edition

**ICN Annual Conference
Barcelona 2023**

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INTERNATIONAL COMPETITION NETWORK

Chapter 1

ICN Co-Chair Guide

ICN CO-CHAIR GUIDE

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Working Group Organisation

Each Working Group is chaired by four Member agencies as co-chairs, selected by the Steering Group. Co-chairs serve rotating 3-year terms. Participation in a working group is open to all ICN members and NGAs. Working Groups operate by consensus with members and NGAs conducting discussions, typically via teleconference, webinars, e-mail and at workshops.

Working Group co-chairs should set clear priorities and focus on a manageable number of projects that are executed in an inclusive manner - allowing the participation of the diverse ICN membership during the whole process.

Working Groups should organize the division of tasks among the co-chairs and are responsible for ensuring clear responsibility to effectively execute the Working Group’s work plan. Working Group co-chairs can, in addition to their administrative duties, lead projects, but there is no such expectation that they do so. Co-chairs are encouraged to select other Member agencies to take on significant aspects of the Working Group’s work or serve as project leaders.

Set up Standing Co-Chair Calls

The first Co-Chair meeting typically takes place at the annual conference – to begin the planning process for the upcoming year or at a minimum to meet each other!

The first Co-Chair call should take place shortly after the conference. On the call, the Co-Chairs should set up a regularly scheduled time to speak with each other – e.g., every other Monday at 14:00 CET, one week before every Working Group call, or the week before the monthly Working Group Co-Chair calls. It is helpful to use the same Zoom/Teams link and/or dial in numbers for all Co-Chair calls.

Update the Annual Work Plan

The Horizontal Coordinator oversees the development of working group work plans. Below is the process and **timeline** for crafting a workplan. For the plan’s content, see the workplan template. Note, a timeline/project plan also should be created for each project, with a notional schedule of calls.

Assign one Co-Chair to take the lead updating the prior year’s plan and obtaining input/comments from Working Group members and the other Co-Chairs.

A call for ideas for future work is circulated to working group members and NGAs. Once updated, with Co-Chair input, a redlined version is circulated to working group members and NGAs for comment on a working group call.

The responsible Co-Chair submits an updated draft plan to the Horizontal Coordinator (HC). Feedback from the HC is incorporated and a revised plan is circulated to the SG for preliminary approval. Prior to the conference, workplans are posted on the conference website for discussion with members and NGAs at the annual conference. Following the conference, Co-Chairs discuss member/NGA input, revise their workplan to incorporate input as appropriate, and circulate to Working Group members and to the SG for final approval. Final plans are posted to the ICN document library and linked on the group’s home page.

Event	Due Date	Approximate Timeline
HC to circulate workplan templates	December	Five months prior to AC
WG’s submit <i>short version</i> of completed workplans to HC	February	Three months prior to AC

HC to circulate draft workplan report to WG's for review	March	Two months prior to AC
WG's to provide additional information to HC (only if action items)	March	Two months prior to AC
HC present interim report to SG for review	April	Month prior to AC
WG's discuss workplans and agree on details	May	Annual Conference
WG's submit <i>Final</i> workplans to HC/Secretariat	June	Month post AC
Final Report to Steering Group	June/July	Two months post AC

Allocate Responsibility for WG Projects among Co-Chairs & Project Leaders

Responsibility for each project contemplated for the year should be clearly assigned to a Member agency, possibly but not necessarily a Co-Chair. Consider involving members and NGAs as “project leads,” although one Co-Chair should serve as a liaison between the lead and the Working Group leadership, closely cooperating with the project lead. Possible allocations, include:

- One Chair responsible for a written work product (e.g., a chapter in a manual or a comparative report).
- One Co-Chair responsible for planning, promoting and executing all webinars for the group or each Co-Chair could take the lead on one (or more) webinars.
- If the Working Group is planning a workshop, assign one Co-Chair to work with the conference host and/or a workshop project leader.
- One Co-Chair responsible for communication, including maintaining and updating the working group's webpages
- Consider assigning responsibility for membership (broadening or deepening existing membership), NGA engagement, and promotion and implementation of the group's work product.

Note regarding written work product. See ICN Work Product Terminology when deciding which type of written work product to develop. Depending on the topic, work product typically starts with a call for input from working group members (e.g., a series of webinar discussions, case examples, existing guidelines or statements on a topic, or a short survey), which is often summarized in a comparative report. Work often progresses in subsequent years with a handbook or workbook, which provides practical guidance for ICN members. As members gain experience and consensus develops, a Working Group may then choose to develop recommended practices.

Regardless of the type of work product, a similar procedure for developing and finalizing work product is followed.

Step 1: Initially the co-chairs or small drafting team of interested members, develops a plan for member input, an initial outline, or initial draft.

Step 2: After co-chair review, the initial draft is circulated to working group members in advance of a working group call. Members may submit comments in writing before or after the call and orally on the call.

Step 3: Comments are reviewed by the drafting team and/or co-chairs and implemented as appropriate.

Step 4: The process begins again with the revised draft (ideally with redlined changes) circulated to all members in advance of a call, with comments invited before, after and on the call. Depending on the complexity of the comments, this may be sufficient or additional rounds of comments and subsequent drafts may be needed.

Step 5: A final draft is circulated to Working Group members for final sign off.

Step 6: Once the Working Group has finalized the document, it is sent to the Steering Group for circulation to the ICN Steering Group for final approval.

Notes:

- The journey of a work product depends on the topic addressed. Topics new to the ICN and international discussion tend to follow the “typical” steps described above. Topics that evidence common principles or approaches across jurisdictions may proceed more directly to recommendations. Topics that are emerging or evidence diverse approaches may stay in experience sharing modes for longer.
- For surveys: when issuing surveys, consider whether a survey is needed or if there is enough existing material available in other forms to draft an initial issues paper. This paper can then be circulated for comment with a request for input and agency specific experience/examples. If a survey is issued, it

should be shared with a small number of members to complete before wider circulation to confirm the survey is not overly burdensome and the information provided is useful.

- Working groups also should consider the appropriate timeline and steps for engagement with and input from NGAs. Typically, it is helpful to include NGAs on the same timeline and track as member involvement in a project. On occasion, certain topics may be best served by differentiating member and NGA steps to seek appropriate input and feedback. All ICN projects should include consideration of both member and NGA engagement.

Set up a Schedule of Member and NGA Calls

After the conference and before the start of the new ICN year, the Working Group chairs participate in a “kickoff call,” open to all members and NGAs. On the call, Co-Chairs briefly present the past year’s work product, the new year’s work plans, how to get involved, and identifying specific projects for members and NGAs. One Co-Chair should be designated to make the presentation and create a few slides.

Shortly after the kickoff call, each Working Group holds its own initial working group call, often including in the invitation email a description of upcoming work and/or the work plan for the year.

Some working group hold monthly calls for all members and NGAs and other working groups hold calls scheduled around the development of work product. Co-Chairs should discuss how frequently working group should meet and create a schedule accordingly. See Annex 1 with suggested days for calls to avoid holding calls on the same day as another working group. Be sure to send the schedule of calls to the Horizontal Coordinator at ICNHorizontalCoordinator@acc.gov.au to clear conflicts and to the Secretariat Secretariat.ICN@bc-cb.gc.ca for listing on the ICN calendar.

Note: At least one week before the scheduled call, an email should be sent to all members (and NGAs, if invited) with the log in and/or dial in numbers, an agenda for the call, and any documents that will be discussed on the call. If members' input is desired, it should be clearly stated on the cover note (e.g., on the call we will solicit your ideas for possible webinar topics).

Calls usually are held at 8:00 ET/14:00 CET. To avoid time zone confusion (especially around daylight saving time, it may be helpful to include a link that identifies the difference in times.

<http://www.timeanddate.com/worldclock/meeting.html>

Some working groups send around minutes after each call. Alternatively, to save resources, any informal speaking points can serve as a valuable aide-memoire at least for the Co-Chairs themselves.

Participate in Monthly Working Group Co-Chair Calls and submit Monthly Working Group Updates

Working Group Co-Chairs meet regularly over Zoom. Initially the group was formed to facilitate the exchange of experience – both good and bad - in leading working groups. The group also acts as a “shadow” Steering Group in that we hold our calls the week before each Steering Group meeting and often work through issues that have been or will be discussed at the Steering Group level. The Group also has expanded to include conference planning, implementation, among others. All Working Group submit Working Group Updates in preparation of the calls.

Update Working Group Member and NGA Contact Lists

At the beginning of each year, circulate the working group member and NGA contact lists to all working group members. Ask for any changes to either list.

Send the NGA list to NGA liaison at icn.ngaliaison@cade.gov.br Any subsequent changes to the NGA list should be noted on a separate document and sent to the NGA liaison.

Update the Working Group Page on the ICN Website

Immediately after the conference, the website should be updated to reflect the change in leadership and all work product adopted at the conference should be added to the document library and linked to the group’s webpage.

Plan the Working Group’s Annual Conference Programs

Conference planning begins shortly after the start of the new ICN year. Typically, each Working Group is given a block of time for plenary and small group breakout sessions. WG plenary sessions should be designed to generate a lively, interactive discussion among panelists. Breakout sessions should allow members and NGAs to share their experiences in a small group setting that encourages questions and discussion. The Host will provide a timeline for planning purposes – with deadlines for submitting panel and breakout session topics, formats, moderators and panel speakers. See Program Planning Guide for more information on conference planning.

In brief, as a first step, working groups determine their proposed topic for plenary discussion. Consider first the WG's key work product for the year and whether any is suitable to present in plenary and/or discuss in breakout sessions, identifying issues arising out of the group's work product as the year progresses. Also solicit ideas from members and NGAs on a working group call, by email, and at the prior year's annual conference, during a working group breakout session.

In considering the topic for discussion, working group co-chairs consider the objectives of the sessions. Once a topic is selected, consider the best format to achieve the stated objectives and convey the panel's "take away" or message. In both plenary and breakout sessions, controversial and interactive (interaction among panelists; interaction with the audience in BOS) discussions are more attractive for the audience.






Statement of Achievements

The ICN publishes a Statement of Achievements at the ICN Annual Conference. All Working Groups contribute to the Statement using a template circulated by the Secretariat or Chair's Office. The Statement provides an overview of the Working Groups' activities in the respective ICN Year, showcasing the Working Groups' work product, workshops and webinars, and previews future activities and possibilities for members and NGAs to participate and contribute.

ANNEX 1: SCHEDULE OF CALLS

Working Groups are asked to clear member calls, webinars, workshops, etc with the ICN Horizontal Coordinator Calendar. In addition to avoiding conflicts, the provided information will be included on the ICN website (Events Calendar).

A notional schedule, to be discussed at the start of each ICN year, provides:

 Mondays	ad hoc requests
 Tuesdays	MWG & UCWG
 Wednesdays	CWG ACPC & WGC SG calls
 Thursdays	AWG & AEWG
 Fridays	[disfavored]

Please note updates to the Calendar are welcome at any time – it is not necessary to map out your full year of activities now, but we are keen to update the website to include upcoming calls and programs.



INTERNATIONAL COMPETITION NETWORK

Chapter 2

ICN Work Product Terminology

ICN Work Product – Terminology

ICN GUIDANCE WORK

Recommended Practices, Good Practices, Guiding Principles and Best Practices

There are two principal categories of recommendations in ICN: Recommended Practices and Good Practices. There are other ad hoc formats of guidance, including Guiding Principles and Best Practices, produced in the ICN's early years.

The decision to pursue a specific type of guidance format is informed by the desired profile and aspirational goals for the work; the degree of convergence in agency policies, practices, and viewpoints; and the likelihood of achieving consensus on the topic.

Recommended Practices

Recommended Practices are traditionally the highest profile work of the ICN. They are non-binding aspirational statements that reflect international consensus. They represent sound analytical and procedural approaches and provide detailed commentary to assist members in reducing the recommendations to practice. ICN Recommended Practices are the work products cited most often by members as the ICN's main achievements, and often attract high interest and participation from members and NGAs.

Recommended Practices generally are developed when there is already a body of existing work on the topic to be addressed. This work includes member experience and ICN and OECD work product, such as comparative reports, workbooks, and other guidance.

See, e.g., [ICN Recommended Practices](#) for Merger Notification and Review Procedures

Good Practices

Good Practices reflect different approaches used by ICN members. They are generally considered to be practices that work well in the jurisdictions where they are applied, but which may or may not work well in the legal context of another jurisdiction. For this reason, they reflect good practice, and, therefore, cannot necessarily be recommended for adoption by other ICN members.

Good Practices have been developed in the context of a larger bodies of practical-minded, often case-handler focused, work.

See, e.g., The Anti-Cartel [Enforcement Manual](#) and Competition Agency Staff [Training Programmes](#)

Guiding Principles

Guiding Principles are high-level consensus statements. They set out in very brief terms broad principles and provide a framework for the development of agency policies, practices, and procedures.

See, e.g., ICN [Guiding Principles](#) for Procedural Fairness in Competition Agency Enforcement

Best Practices

Best Practices have been developed in conjunction with working group reports based on the member experience reflected in the underlying report. They provide common principles that were identified over the course of drafting a specific report and generally have not been advanced as broader, standalone ICN recommendations. They traditionally are less detailed than recommended or good practices.

See, e.g., An Increasing Role for Competition in the Regulation of Banks: [Best practices](#) by the International Competition Network and The Role for Competition in the Telecommunications Services Sector: Suggested [Best Practices](#).

However, in recent years, the terminology has fallen out of favor - who is to say what is best? The current view is that it is best practice NOT to use best practice terminology in ICN work product.

PRACTICAL GUIDES

Handbooks, Workbooks, and Practice Manuals

Competition enforcement systems differ across jurisdictions. In this regard, ICN Handbooks, Workbooks and Practice Manuals do not represent a comprehensive guide for the enforcement of the competition laws. Rather, they are intended to be a reference tool for agencies to enable them to evaluate and benchmark their own approaches. Often, these documents include practical discussions and tips based on member agency practices.

ICN Practical Guides usually are based on the Working Group's past work, recommended practices, and reports.

See, e.g., ICN Unilateral Conduct [Workbook](#).

REPORTS

Comparative Reports [based on ICN surveys]

Often ICN work product begins with a survey of ICN members and NGAs. The results are compiled into a comparative report that describe the approaches of competition agencies around the world and distills themes that may assist in promoting convergence in the covered areas.

See e.g., [Report](#) on International Co-Operation in Competition Enforcement

COMPILATIONS

Toolkits, Templates, Checklists

Toolkits generally identify a range of available tools used by ICN members.

See, e.g., Advocacy [Toolkit](#)

Templates provide examples of how different authorities approach an area of enforcement, law or policy and/or outline alternative approaches by ICN members.

See for example, [template](#) that collect information on notification and review procedures used by ICN members.

Checklists outline elements of efficient and effective programs to help guide authorities in establishing or strengthening their capacity in specific areas.

See e.g., [Checklist](#) for Efficient and Effective Leniency Programmes



INTERNATIONAL COMPETITION NETWORK

Chapter 3

Drafting Annual Workplans

ICN Working Group Annual Workplan Template

This document has been created for Working Groups (WG's) to use as a template when completing their annual (short form) work plans.

The WG annual workplan is a key record of detailed project information which helps promote the overall coordination, monitoring and execution of deliverables of the ICN WGs.

By adopting this template, completed work plans can be consistent across the WG's. This will help shorten the time taken to prepare work plans and in turn, simplify the review of plans by co-chairs and steering group members. This will also create a streamlined approach to efficiently summarise the key activities for members' oversight, in reports such as the Horizontal Coordinator Report.

Chair's Note: At the September 2023 SG meeting, members noted that the volume of work products might make it difficult for agencies to follow all work streams. Generally speaking, it is not the number of work products that count, but the voices reflected in the ICN's work, which means that Working Groups are encouraged to focus on specific projects that invite ample participation.

How to Use the Template

When planning each project, WG's should:

- Provide specific project descriptions and well-defined deliverables (including the type of work product).
- In choosing specific projects, consider the availability of resources, knowledge, time, and reflect the work encompassed in the group's long-term plan.
- As far as practicable, consider key thematic areas of interest of the ICN. Examples of these key areas are listed below.
 - **Enforcement cooperation:** *International enforcement cooperation is an integral part of the purpose of the ICN. The needs of its members and the importance of international cooperation is illustrated in [the ICN/OECD Joint Report on International Cooperation in Competition Enforcement](#).*
Working Groups should identify whether projects contain an aspect or topic regarding cooperation between international agencies in the context of an investigation or enforcement of a case, rather than considering the ICN's broad aim of sharing knowledge/experience.
 - **Sustainability:** *Sustainability is a key focus of the ICN and is largely promoted in the projects Working Groups undertake. Consider how the project will aim to highlight competition and sustainability.*
 - **Intersection:** *In 2020, the ICN initiated a project to study competition enforcement at the intersection of competition, consumer protection and privacy laws.*
 - **Digital regulation:** *Digital markets are a focus of the ICN, with regulation in this space of increasing interest to the ICN and its members. Working groups should identify whether their projects contain a topic regarding the regulation of digital markets, and how this project works toward improving the ICN's understanding of digital regulation.*

- As part of their work planning process, WG's are therefore encouraged to incorporate projects and activities aimed at: (i) facilitating effective enforcement cooperation, (ii) promoting sustainability, (iii) addressing competition enforcement at the intersection between competition, consumer protection and privacy laws (iv) promoting and encouraging implementation of existing WG work, and (v) reviewing (and if necessary, updating) existing work products to ensure they are current, relevant, and fit for purpose.

The Template for recording work plan projects is set out as follows:

Section 1: requires a summary of each planned project. This table format is split for both new and existing projects.

Section 2: requires that each project is expanded into more detail, and a timeline provided.

Section 3: requires a summary of past projects.

[Title] Working Group - Annual Plan

Section 1: [Year – Year] Projects

Pursuant to ‘Working Group structure and 3 year plan’ the [name] Working Group will work on the following projects during the [20xx-20xx] ICN year.

*Please complete table with high level details of **new projects** and work products. Rows should be copied as needed to maintain formatting.*

***new projects are those which are beginning during this 12-month period and have not been included in previous annual workplan updates.*

New project title and work products	Description	Primary focus (if relevant)	Format	Final delivery date	Lead contact
Project 1	<i>E.g. webinar series on xx - [list name of each webinar session]</i>	Select from dropdown	Select from dropdown	<i>E.g. final report, or workshop date</i>	[Agency/person] [Email address]
Project 2	<i>E.g. [report title] - project aims to [briefly explain]</i>	Select from dropdown	Select from dropdown		

*Please complete table with high level details of **existing work** and work products.*

Project title and work products	Description	Primary focus (if relevant)	Format	Final delivery date	Lead contact
Project 1	<i>E.g. [report title] - project aims to [briefly explain]</i>	Select from dropdown	Select from dropdown	<i>E.g. final report, or workshop date</i>	[Agency/person] [Email address]
Project 2		Select from dropdown	Select from dropdown		

Section 2: Project [name, number] *This section to be copied for each project.*

Description: *Please give an expanded description on each project listed in the table above.*

Is it a multi-year project: *If so, provide a breakdown of what has been completed and what is still to be done.*

Use of existing ICN materials: *The ICN's work product encompasses both the creation of new work and promoting the use of existing materials. Describe how the project will promote existing work product and/or how the outcome/s of this project will be promoted in the years to come.*

Outcome: *specify the intended achievements.*

Method for evaluating and measuring success: *WG's should identify success indicators that can be used in the lifecycle of the project, which may include:*

- o general project management (e.g. timing, participation by members and NGAs),*
- o member feedback (surveys and evaluation forms), or immediate outputs of the work plan (e.g. for a blog it might be number of hits),*
- o measuring longer term outcomes or outcomes out of the control of the WG (recognising that these may be more difficult to anticipate and/or evaluate).*

Description of work/resources: *A description of how the work will be conducted and the resources required.*

Milestones/timelines *please highlight in yellow, as shown in example below, where member input is required. This is to note in the Horizontal Coordinator's calendar and assist with managing expectations on resourcing.*

Example

[month/year]	<i>Initial conference call to discuss projects, workshop, and webinar topics</i>
[month/year]	<i>Questionnaire sent to members</i>
[month/year]	<i>WG call to discuss outlines and workshop planning; finalize first webinar topic</i>
[month/year]	<i>Members to review draft report</i>
[month/year]	<i>WG call to complete annual conference program and Work Plan 20XX-YY</i>

Section 3: Past Projects

Provide a short summary of recent past work or the Working Group’s notable achievements in order to provide context for current work, facilitate participation of new working group members or NGAs and serve as a reference point throughout the year.

Some Working Group have found it useful to provide a description of past work with web links in an annex to the group’s work plan.

Title:	Description and output:	Outcomes achieved:	Implementation and timing:	Evaluation	Other learning:
			<p>How was the project implemented and over what time frame – were goals achieved?</p>	<p>Assessment of whether and to what extent the project met the success indicators set out in the work plan for this project.</p>	<p>Any other useful lessons of what worked well and what might be improved for other projects in the future.</p>
Project 1					
Project 2 etc					

Work Plan Checklist

A complete and well thought-out work plan contributes to the success of a working group and timely completion of quality work. This checklist is designed to help prepare work plans that are SMART – specific, measurable, agreed upon, realistic, and time-based.

1. Mission of the Working Group

- ✓ State the working group's mandate or mission.

This statement defines the working group's purpose, identifies the main goals that the working group seeks to achieve, and provides the basis upon which a working group can formulate more specific strategic objectives, including a long term vision plan and annual work plans.

2. Organization

- ✓ Describe the structure of the working group.

This section of the work plan sets out the structure of the group -- for example, it identifies the leadership of the group and the roles and responsibilities of each of the co-chairs or project leaders as well as the role of NGAs.

Setting out the group's structure identifies early on who is responsible for getting the work started. Identifying the role of NGAs for specific tasks encourages members to identify NGAs early in the ICN work year.

3. Goals

- ✓ Specify the projected outcomes of this year's work.

Specificity and detail are important. A specific goal has a much greater chance of being accomplished than a general goal. Specific, outcome-based goals could include, for example, more effective merger review as a result of consensus on how to define markets, attained through the development and implementation of a recommended practice on market definition. Over the longer term, a focus on outcomes instead of outputs disciplines work plans, since projects will not succeed if they are peripheral to the needs of ICN members.

4. Project Description

- ✓ Detail the work plan's projects and deliverables.

This section is the core of the work plan. What new work will the working group undertake this year? The project descriptions should be specific and the deliverable well defined (including the type of a work product). In choosing specific projects, groups should consider the availability of resources, knowledge, and time, and reflect the work encompassed in the group's long term plan.

5. Implementation

- ✓ Devote part of the work plan to implementation.

The ICN's work product encompasses both creating new work product and promoting use of existing materials. Work plans should describe what the working group will do to promote existing work product, and, as appropriate, how new projects might be implemented in the years to come.

6. Evaluation

- ✓ Identify indicators to evaluate success.

To measure the effectiveness of its work, the working group should identify success indicators that can be used in the life cycle of the project. Some success indicators may relate to general project management (e.g., timing, participation by members and NGAs), member feedback (surveys and evaluation forms), others might relate to the immediate outputs of the work plan (e.g., for a blog it might be the number of hits), while others may measure longer-term outcomes (recognizing these may be more difficult to anticipate and/or evaluate).

7. Time line

- ✓ Create a time line for the entire ICN year.

A key part of the work plan is developing a time line for the project activity. This could include a projected time line for completing work with specific dates for milestones (including first draft, draft to reviewers, etc.) and a notional time frame for teleseminars and workshops. Some Working Groups also have found it useful to include a schedule of calls for the year (including members-only calls and calls with members and NGAs) and/or to create more detailed project plans with allocation of responsibilities for specific work product or projects. Other working groups, depending on the nature of their work, have found it more useful to instead schedule calls around particular milestones in the progression of work throughout the course of the year.

8. Past Work

- ✓ Summarize the working group's previous work.

A short summary of past work or the working group's notable achievements provides context for current work, including explaining the basis for future work, facilitating participation of new working group members or NGAs, and serving as a reference point throughout the year. Some Working Group have found it useful to provide a description of past work with web links in an annex to the group's work plan.



INTERNATIONAL COMPETITION NETWORK

Chapter 4

Webinar Planning Guide

Planning, Promoting, and Executing a Successful Webinar

Key components to executing a webinar include arranging the logistics and developing a plan that will help you to meet your deadlines and increase your chances for a successful event. A webinar can generate interesting discussions and reinforce the working group’s efforts. However, running a webinar can be challenging. This guide shares tools and best practices and samples for planning and executing a webinar.

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PROGRAM PLANNING

1. Select a Topic

Solicit ideas from members and NGAs on a working group call, by email, and at the annual conference, during a working group breakout session.

Include in workshop evaluation forms a question soliciting ideas for topics for working group programs.

Identify issues arising out of the group's work product.

Read the trade press for new cases, hot topics, or issues being discussed in member jurisdictions.

2. Identify the Program's Objectives

Once a topic is selected, consider the objective of the program. Is it to:

- Promote or explain the group's work product;
- Share experience;
- Teach, deepen understanding of particular issues;
- Promote convergence on substance and/or procedure?

Discuss with the moderator and speakers *inter alia*: What is the panel's "take away" or message? What practical advice do you want to convey?

3. Choose an Engaging Format

In light of the program's objectives, consider different formats to present the information and convey the message in an interesting and lively way. Examples include:

- Case studies and practical examples
- Discussion of recent empirical research
- Hot topics
- Debate propositions / Controversial statements
- Hypotheticals - Mock hearing, mock meeting, some sort of role play
- Demonstrations
- Interview
- Issue spotting/problem solving
- Interactive panel discussions/moderated Q&A
- (Brief) initial presentation(s) followed by panel reaction and/or discussion
- Practical pointers/top 10 lists

Most ICN webinars are 60 to 90 minutes long – with a preference for at least 75 minutes, to allow time for questions. Often the format drives how time is allocated among the speakers and/or segments of the program. For example, if the program will debate three propositions, decide how much time will be allocated for each proposition and how much time each side will have to make initial presentations and any rebuttal.

4. Leave time for Audience Q&A

With any format, build in time for questions from participants.

Some programs wait until the end for Q&A. Others include a few shorter breaks for questions at appropriate times in the program. Building in some extra time to the scenario will keep the program from falling behind or running over.

If there are no questions at first, the moderator should be prepared to ask a question or two while participants form their own questions. The moderator or organizers could ask each speaker to provide in advance one or two follow up questions for this purpose (or for any panel discussions). Another option is to invite in advance a member or NGA to start off the Q&A session.

If using a platform that provides a chat or Q&A function, inform participants at the start of the program (and again before any Q&A periods) of this option to pose questions. It may be necessary to repeat audience questions for others (who may not have seen or heard the question) and/or to designate a speaker to respond.

WGs might consider ways to interact with the audience – such as using real time polling or other tools.

5. Choose a Strong Moderator & Dynamic Speakers

Working Groups should choose moderators with the experience and willingness to play a key role in the organization of the session and should brief the moderators accordingly.

There are several ways to identify potential speakers, including:

- On a working group call, ask for expressions of interest to participate either on the call or in a follow up email to the co-chairs.
- Circulate an email to working group members and NGAs asking for expressions of interest or speaker recommendations. In the email, include a description of the webinar and invite potential speakers to indicate their area(s) of interest or expertise on the topic and how they might contribute to the discussion.
- Ask the moderator for suggestions.
- Search the internet to see who has written or given a speech on the program topic.
- Search the trade press for jurisdictions that have brought relevant cases.

Selecting speakers:

Avoid having too many speakers. The appropriate number of speakers will depend on the format of the program, but in general, a program should have no more than one moderator and four speakers.

Check the background of the speakers on the field to avoid overlapping presentations and to ensure diversity of viewpoint or approaches, including non-governmental advisors and stages of development. Consider also geographic and gender diversity when selecting speakers.

When selecting NGAs, clear the nomination with the NGAs home jurisdictions. The ICN member also may have ideas for NGA speakers from their jurisdiction.

Consider adding to the recruitment email a request for a short (2-4 sentences) bio/professional background of the speakers and the moderator and the substance of their contribution.

Example: If you are interested in being a speaker for the webinar (or would like to nominate an NGA speaker from your jurisdiction), please email the WG co-chairs with a short summary of your proposed contributions to the webinar – no later than [date]. Please note, we strive to select speakers with expertise in the subject and consider gender, geographic, and viewpoint diversity.

PANEL PREPARATION

6. Hold a Preparatory Call

Once the moderator is selected, involve the moderator in webinar planning. The moderator should play an active role in the preparations of the content, while the co-chairs typically play an advising role and assist in the logistical part of the program.

Hold at least one preparatory call together with the moderator. Consider holding the prep call using the webinar platform so speakers can test out the webinar features before the program. Where a prep call is not feasible, speakers may correspond through email exchanges.

The purpose of the preparatory call is to 1) introduce the speakers to each other, 2) inform the speakers of the program's objective, 3) discuss/explain the format of the program, and 4) review logistics (see next section).

On the prep call (or shortly after in writing via email), ask each speaker to share their initial thoughts on the topic and a general outline of their proposed presentation/remarks. Doing so early on also can help inform the choice of formats for the program and the order of speakers.

As planning progresses, ask each speaker to circulate a few bullet points setting out the substance of their remarks and any slides, if they will be used.

The organizing Co-Chair or moderator should circulate a “scenario” for the program identifying what each speaker is responsible for covering, the order of speakers, and the designated time for each segment or issue and speaker (see **Annex 1** for sample scenarios from past programs).

7. Share Logistics

The organizing Co-Chair or moderator should send speakers an e-mail with the logistical information and any relevant information.

After discussion with the moderator, the following logistical information should be explained to the speakers on the initial preparatory call and/or by email:

- Provide the date, time, and length of the program.
- If slides will be used, circulate the ICN PowerPoint template and inform speakers that their slides will be sent to the members of the working group and NGAs (unless the program is for members only), and posted on the website. This approach should be followed even when using an online platform, as not all participants may be able to use such technologies or may prefer to use hard copies. If speakers object, their presentation cannot be sent and posted.
 - If slides are used – ask speakers not to use animations or compressed images to keep the file size as low as possible and to avoid complications when slides are converted to PDF.
 - Also, emphasize any time constraints, with a suggested 2-4 slides per speaker focusing on the substance/main message and avoiding any repetition.
 - Inform speakers of any deadlines – for circulating initial and final drafts of any PowerPoint slides or bullets on the substance of their remarks.
- Inform speakers whether the program will be recorded and whether the recording will be posted on the website.
 - Ask for their written agreement to both posting slides and recording the program in a follow-up email. If one speaker objects, it should not be recorded and posted.
 - Alternatively, if it is the practice or desire of the group to record programs, be sure to inform speakers when extending an invitation so they can take this information into account in deciding whether to participate in the program.
- Request speakers to dial in/log on at least 15-20 minutes before the program to address any connection issues (or last-minute preparations).

8. Running the Program

The organizing Co-chair or moderator should greet the audience at the start of the program and take care of housekeeping matters:

- Instruct participants to unmute and mute their lines after speaking.
- Remind speakers to announce next slide and periodically announce the slide number (even if using the webinar feature not everyone will be logged on).
- Inform participants that the compilation of the PowerPoint slides are available on the webinar webpage and/or homepage of the ICN website and provide the link.
- If the program will be recorded, announce it at the beginning of the call so that participants are aware, in case they would like to ask questions (and don't forget to hit the record button).
- Provide instructions on how to pose a question if using the chat or Q&A feature.

The organizing Co-chair or moderator should introduce the panel and topic briefly.

- Consider dispensing with lengthy speaker introductions – name and affiliation should be sufficient. If more is shared, such as relevant experience, consider whether introductions need to be made at the beginning of the program or whether they can be made before each person speaks.

Stick to the timetable. That said, receiving too many questions is rarely a problem. If participants are engaged and asking questions, consider extending the Q&A time. And, be sure to leave time for the moderator to offer some concluding remarks to reinforce the program's take away/message (hint: use speakers' bullet points).

Advertise any relevant work product, upcoming programs, or the status of current work and requests for any assistance or input at the end of the call.

ADMINISTRATIVE TASKS

9. Scheduling

Check the [ICN calendar](#) for known conflicts.

Select one or more dates and confirm availability with the [Horizontal Coordinator](#). Once the date is confirmed, lock in the date with the Horizontal Coordinator and email the [Secretariat](#) to post notice of the program on the ICN calendar.

2pm CET is the usual start time for ICN programs. Consider offering some programs at an Asia-Pacific friendly time.

Be sure to take into account time differences in each region (especially at the beginning/end of summer, as some ICN members may be discouraged from participating depending on the choice of time).

If needed, ask the Secretariat to provide dial in numbers and a link for the webinar. Arrange a test webinar, if needed.

10. Publicity

Publicize the program to the working group via email and on working group calls and reach out to the Chair's office to promote the program in the Chair's Newsletter and any ICN social media accounts. Take the time to craft a title that will spark interest among the audience. Note: if the program is for agencies only, make sure emails are sent to the correct working group member list, and not to NGAs.

Circulate a save the date flyer with the title, time/date, and description of the program to all working group members and NGAs as soon as the date is confirmed with speakers and the Horizontal Coordinator. Send a copy to the Secretariat for circulation to all members and NGAs.

Follow up the Save the Date with a Promotional Flyer with the following information:

- Moderator & Speaker names
- Link to the online meeting, dial in numbers, and access code
- Description of the webinar

Be sure to include the description of the webinar in the body of the email, instead of the attached flyer, since not everyone opens attachments. See **Annex 2** for sample flyers.

Send a copy of the flyer to the Secretariat for circulation to all members and NGAs.

Send reminders the week before, the day before, or the day of the program. If using slides, compile all of the slides into a single document and circulate them in PDF format with this reminder.

Post notice of the program on the ICN website at the same time as circulating the save the date flyer. Be sure also that the program is listed on the ICN Events Calendar.

11. Disseminating Learning

Prepare a written summary of the webinar (1-2 pages) for posting on the web and a shorter version for publication in the ICN Newsletter. Consider inviting a member or NGA to draft this summary. Providing bullet points prepared by the speakers will facilitate drafting. Provide a draft for comment to the speakers prior to publication.

If the webinar was recorded, send a link to the recording to the ICN Secretariat for posting on the ICN website (along with slides, if not already posted). Circulate an email with the link to the program to all working group members and NGAs. Some programs limited to agencies only may not be appropriate for posting.

It might also be useful to replay the program as a regional teleseminar (e.g. Asian-Pacific Friendly teleseminar) to disseminate the contents of the program to a broader audience.

12. Soliciting Feedback

On the next scheduled working group call, invite comments (both positive and constructive) on the format, topic, number of speakers, etc. to take into account when planning the next program.

Consider circulating an evaluation form at the end of the webinar – use platforms’ evaluation feature or ask participants to take a short survey at the close of the program using the platform’s polling option.

TASKS AND TIMING

6 Weeks (or more) Prior to Program	<ul style="list-style-type: none"> • Identify topic and program objectives • Clear possible dates with the ICN Horizontal Coordinator
5 Weeks Prior to Program	<ul style="list-style-type: none"> • Identify a moderator • Identify speakers • Send date and program title to Secretariat for inclusion on the ICN calendar • Circulate save the date flyer • Send a promotional piece to the ICN Chair for inclusion in the ICN Newsletter
4 Weeks Prior to Program	<ul style="list-style-type: none"> • Initial Planning Call with moderator and speakers
3 Weeks Prior to Program	<ul style="list-style-type: none"> • Circulate Promotional Flyer
2 Weeks Prior to Program	<ul style="list-style-type: none"> • Second planning call, if needed

	<ul style="list-style-type: none"> • Compile bullet points and slides and circulate them among the panelists • Circulate panel scenario allocating time for each presentation/intervention and order of speakers
1 Week Prior to Program	<ul style="list-style-type: none"> • Dry run/final planning call, if needed • Consider housekeeping matters
Week of Program	<ul style="list-style-type: none"> • Send reminder email/circulate slide deck
Week after Program	<ul style="list-style-type: none"> • Circulate Evaluation form • Circulate any program write up • Send a Thank you note to speakers

Annexes:

1. Sample Scenarios
2. Promotional Flyers
3. Evaluation Form

ANNEX 1: Sample Scenarios

ICN MWG Welcoming Teleseminar: 7th November, 2013

1) Welcoming remarks from CCI (3 mins)

Welcome attendees and illustrate the purpose of the call, and the structure: presentation followed by impressions or remarks from outreach agencies.

2) Presentations (30 mins)

Slides 2-4 : India

2. Role and Function of the MWG
3. Role and Function of the MWG
4. Current Structure of MWG

Slides 5-7 (N&P) : USA

5. Past Work Products of MWG (1)
6. ICN Guiding Principles
7. RPs for Merger Notification & Review Products

Slides 8-15 (Substantive Work) : Italy

8. Past Work Products of MWG (2)
9. RPs for Merger Analysis
10. Investigative Techniques Handbook for Merger Review
11. Chapter IV – Role of Economists & Economic Evidence
12. Merger Guidelines Workbook
13. Merger Guidelines Workbook Contents
14. Merger Remedies Review Project
15. Merger Remedies Review Project Contents

Slides 16 & 17 (Self-assessment & Comp culture project) :USA

16. Self-assessments
17. ICN Curriculum Project

Slides 18-25 :India

18. Work Plan of ICN MWG: 2013-2016
19. Work Plan of ICN MWG: 2013-2016
20. Work Plan of ICN MWG: 2013-2016
21. MWG Teleseminars
22. Expanding Member Participation: Outreach Project
23. Expanding NGA Participation: Outreach Project
24. How to get involved
25. Contact the MWG Co-chairs
CCI to say something of its own experience (either here or during the presentation itself)

- 3) Additional remarks from co-chairs (2 mins)**
- 4) Open the floor to outreached agencies and any other agencies / NGAs (15-20 mins)**
- 5) Remarks and suggestions from volunteers (USFTC and Canada) – (5 mins)**
- 6) Summing up/ concluding remarks by CCI (5mins)**

Outline – ICN Webinar on Price Cost Tests

19 July at 0800-0930 EDT time / 1400-1530 CET

Panellists: David Gilo, Jorge Padilla, Joe Angland, Martin Mandorff

Moderator: Simon Roberts

Format

- Intro (5 mins)
- Appropriate role of price – cost tests (10 mins)
- Role of price-cost tests in EC guidelines and case examples (10 mins)
- Panel comment and Q&A (10 mins)
- Applying price-cost tests in loyalty rebates cases (15 mins)
- Panel comment and Q&A (10 mins)
- US view on price-cost tests and their application in cases (10 mins)
- Panel comment and Q&A (10 mins)

David Gilo: The appropriate role of price – cost tests in predation cases

- Should the rule define which measurement of “cost” or specify?
- Should below cost pricing by a dominant firm be illegal “per se” or subject to a profound economic assessment of the changes of exclusion or predation?
- What is the interaction between the recoupment requirement and the measure of cost used?
- Is the appropriate measure of cost affected by the degree of capital intensity of the market?
- Should there be a qualification of the prohibition where the dominant firm merely reacts to the low price of a competitor?
- What are the types of possible errors when fixed costs are considered and what are the types of possible errors when fixed costs are not considered?
- The pros and cons of a financial statements approach to determination of the cost measure

Jorge Padilla: View on EC approach to predatory pricing and the role of price-cost tests in the EC guidelines

- Principles
 - Assessing likely effects
 - The as efficient competitor test
 - Avoidable costs and incremental costs versus variable costs and fixed costs
 - Beyond the price-cost comparison
- Predation
 - Price v. Average Avoidable Cost
 - Price v. LRAIC
- Retroactive Rebates
 - Effective price on contestable demand v. LRAIC for contestable demand
- Bundle Rebates
 - Effective price of bundled product v. LRAIC of manufacturing and commercialising the bundled product
- Conclusions
 - Comments on the tests

- Practical complications
- Comments from panel members: Joe [Martin]
- 5 minutes Q&A from webinar participants

Martin Mandorff: Applying price-cost tests in retroactive rebates cases – The *Posten* retroactive rebate scheme (Swedish Competition Authority)

- Conditional rebate investigations last few years (*Swedish Post* (“*Posten*”), *Arla*, *Elitfönster*,...)
 - The *Posten* case background (*Bring CityMail* versus *Posten*)
 - The market for ground mail in Sweden
 - Delivery zones (contested and uncontested deliveries)
 - The rebate schemes (Bring’s incremental v. *Posten*’s retroactive schemes)
 - Analytical tool to identify possible foreclosure effects (the EU’s “As Efficient Competitor” test)
 - Graphs: Effective prices
 - *Posten*’s effective price depending on customer demand (different leverage depending on contested demand)
 - Analysis of effective prices for actual customer base
 - Cost measures (LRAIC/ATC etc)
 - Extent of foreclosure effects (% of market etc)
 - Overall theory of harm
 - Efficiency defence
- Comments from panel members: David [Jorge]
 - 5 minutes Q&A from webinar participants

Joe Angland: A US view

- The *Brooke Group* test requires (1) pricing below some (undefined) measure of cost and (2) a reasonable prospect of recoupment.
 - Courts *generally* apply an average variable cost test
 - Bundling is *generally* analyzed as a predatory pricing issue, after allocating the bundled discount to the monopoly product
 - *American Airlines* was the most recent U.S. governmental challenge:
 - Claim was that AA added unprofitable capacity to routes where it faced entry
 - Company documents suggested that conduct made sense only if entry was discouraged
 - Court rejected evidence of pricing below full cost as irrelevant
 - Court disagreed with DOJ’s conclusion that company’s cost accounting data showed that incremental revenues did not cover the incremental cost of adding capacity
 - Court did not disagree with principle that failure to cover cost of incremental investment for particular route could be predatory even if route was profitable because of the earlier investment
- Comments from panel members: Jorge [others]
 - 10 minutes Q&A from webinar participants



**International Competition Network
Unilateral Conduct Working Group**

**Teleseminar on Price Discrimination
March 1, 2011**

8:00-8:05	<p>Welcome and introductions</p> <p>Alden to announce at the conclusion of the price discrimination program, Ekaterina Rousseva from the European Commission will provide a short summary of the ECJ's recent ruling in the TeliaSonera case</p>	Alden
8:05-8:20	<p>Presentation on principles and issues</p> <p>Summary of slides:</p> <ol style="list-style-type: none"> 1. What are common commercial practices that involve price discrimination? 2. Is price discrimination ubiquitous in modern economies? 3. Is price discrimination beneficial or harmful? 4. What conditions are necessary for successful price discrimination? 5. How is price discrimination defined? 6. What are the different forms of price discrimination? 7. What are primary and secondary line injury? 8. What are the scenarios under which secondary line injury could occur? 	Damien Geradin
8:20-8:30	<p>Q&A with audience</p> <p>If no questions for Damien from audience, Alden will invite Rado to offer any comments or reactions on Damien's presentation.</p> <p>Time permitting, Alden may ask Damien one or more of the following questions.</p> <ol style="list-style-type: none"> 1. What should general enforcement attitude be toward price discrimination? (Generally tolerant, given, the wide range of efficient business practices that involve price discrimination efficient business practices?] and error cost considerations?) 2. What should attitude be toward price discrimination involving non-dominant firms? (Generally tolerant, always legal?) 3. Should ultimate downstream consumer welfare be weighed in considering whether to challenge price discrimination? (Yes, many forms of price discrimination benefit ultimate consumer, e.g., "power buyers" soliciting discounts and passing a portion of savings to ultimate consumers?) 4. Should price discrimination laws focus less on welfare of particular discriminated-against firms and more on welfare of ultimate consumers? (Yes, given that harm to particular firms may be fully consistent with an enhancement of consumer welfare?) 5. Should the effects of eliminating price discrimination on average pricing be considered? (Arguably yes, since elimination of price discrimination may tend harmfully to raise average prices, under a wide set of scenarios?) 	Alden, Rado

8:30-8:42	Presentation by Trudi Makhaya	Trudi
8:42-8:55	<p>Moderated Discussion with Panelists</p> <p><u>Alden asks Trudi</u>: the Tribunal referred to a need to show “competition relevance,” not generalized harm to the market. How is this different than “harm to a particular competitor, not harm to the competitive process?” Will this concept no longer be applied by the Tribunal or Commission in future cases, in light of the Appeal Court’s holding?</p> <p><u>Alden asks Trudi and Felix</u> : Trudi, you mentioned the Petersen proposal – hindering/impeding competition versus lessening (full market analysis) -- to what extent does this represent current South African enforcement policy? Felix would the Petersen approach be recognized in the EU or Germany?</p> <p><u>Alden asks Radoslav</u>: In Chile would you or other judges assess this case differently than the Tribunal or the Court of Appeal? If so, how would your assessment differ?</p> <p><u>Alden asks Felix</u>: How do the defenses in the South African Act (reasonable allowances for cost or supply differences, meeting price, changing conditions) differ, if at all, from defenses available in Germany or the EU? Would the European Commission or Germany have brought this case?</p> <p><i>Time permitting</i>, panelists may offer additional reactions to the economic basis for the case presented, or comment on whether it would be given serious consideration (or handled differently) in their jurisdiction.</p>	Rado, Felix, Damien, Alden, audience
8:55-9:00	<p>Q&A with Audience</p> <p>If no questions, panelists and Alden to pose questions to Trudi. (THE PANELISTS MIGHT, IF THEY SO CHOOSE, CONSIDER ADDRESSING SOME OF THE QUESTIONS SET FORTH BELOW IN THE MODERATED DISCUSSION, 8:42-8:55.) Questions might include, e.g.:</p> <ol style="list-style-type: none"> 1. Why did the Competition Commission initially not refer the case? (Asked by Alden.) 2. Should a price discrimination law show special solicitude for small businesses, or should other non-competition policy laws/regulations be used to help small businesses (assuming government help should be given at all). (Asked by Radoslav.) 3. Should consumer welfare be weighed in price discrimination cases? The welfare of ultimate consumers? Of intermediate level consumers (e.g., vineyards) in a multi-layered market? (Asked by Felix.) How important should the “pass on” of benefits to ultimate consumers be? (Asked by Radoslav.) 4. How should producer welfare be weighed, if at all, against consumer welfare? Should only favored classes of producers (e.g., small businesses) have their welfare counted? What about, say, larger distributors, who may achieve efficiencies and welfare benefits even if smaller producers are harmed? (Asked by Felix.) 	
9:00-9:10	Presentation by Vladimir Kachalin	Vladimir Kachalin

9:10-9:20	<p>Comments/questions by Radoslav, Felix, audience.</p> <p><u>Alden asks Vladimir and Radoslav:</u> Vladimir, will the price control approach endorsed by the FAS in this case be applied in future FAS price discrimination enforcement actions? Radoslav, would such an approach find favor in Chile?</p> <p><u>Alden asks Vladimir:</u> Would the FAS have brought this case based on mere price differences if there had been no constructive refusal to deal or margin squeeze?</p> <p><u>Alden asks Radoslav:</u> Vladimir’s presentation reveals that Apatite Company’s price discrimination imposed no short term harm on apatite purchasers. Would such as case have been brought in Chile in the absence of short term harm?</p> <p><u>Alden asks Felix:</u> Would the price control approach adopted by the FAS ever be applied in the EU or Germany?</p> <p><i>Time permitting</i>, panelists may offer additional reactions to the economic basis for the case presented, or comment on whether it would be given serious consideration (or handled differently) in their jurisdiction.</p>	Felix, Radoslav, Damien, Alden, audience
9:20-9:25	<p>Q&A with Audience</p> <p>If no questions, panelists and Alden to pose questions to Trudi. (THE PANELISTS MIGHT, IF THEY SO CHOOSE, CONSIDER ADDRESSING SOME OF THE QUESTIONS SET FORTH BELOW IN THE MODERATED DISCUSSION, 9:10-9:20). Questions might include, e.g.:</p> <ol style="list-style-type: none"> 1. Should constructive refusals to deal/supply interruptions/related “bad conduct” be considered entirely separately from price discrimination? (Asked by Felix.) 2. In general, should one be concerned that administrative setting of prices would not respond to inevitable market changes and fluctuations, thereby harming efficiency and innovation? (Asked by Radoslav.) 3. Should the ability to extract price reductions through “efficient” superior bargaining power (price reductions that may be passed down to consumers) be included as an efficiency defense in price discrimination cases, or should the primary defense be cost justification for price differences? (Asked by Alden.) 4. Should enforcers keep in mind that dominant upstream firms generally have an interest in vigorous competition downstream, so as to promote sales? (Asked by Alden.) 	
9:20-9:30	<p>Thank panelists</p> <p>Concluding comments (3-4 minutes)</p>	<p>Alden</p> <p>Markus</p>
9:30-9:40	<p>Introduction</p> <p>Presentation by Ekaterina Rousseva from the European Commission on the ECJ’s ruling in the <i>TeliaSonera</i> case</p>	<p>Randy</p> <p>Ekaterina</p>



Agency Effectiveness Working Group



The Agency Effectiveness Working Group

Presents a Webinar on:

[Title of the Webinar]

[Day of the week], [Month Day, Year]

[Time for the webinar]

[Description of the webinar]

Dial-in Numbers & Webinar Links

[Dial-in numbers and log in links will be provided in advance of the program.]

Moderator

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Speakers

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Find out more about AEWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/agency-effectiveness/>

Contact AEWG Working Group Co-Chairs:

[Competition Authority of Botswana](#)

[Competition and Consumer Commission of Singapore](#)

[Swedish Competition Authority](#)



Advocacy Working Group



The [Advocacy] Working Group

Presents a Webinar on:

[Title of the Webinar]

[Day of the week], [Month Day, Year]

[Time for the webinar]

[Description of the webinar]

Dial-in Numbers & Webinar Links

[Dial-in numbers and log in links will be provided in advance of the program.]

Moderator

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Speakers

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Find out more about AWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/advocacy/>

Contact AWG Working Group Co-Chairs:

Superintendencia de Industria y Comercio of Colombia

Hong Kong Competition Commission

Norwegian Competition Authority



Cartel Working Group



The Cartel Working Group

Presents a Webinar on:

[Title of the Webinar]

[Day of the week], [Month Day, Year]

[Time for the webinar]

[Description of the webinar]

Dial-in Numbers & Webinar Links

[Dial-in numbers and log in links will be provided in advance of the program.]

Moderator

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Speakers

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Find out more about CWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/cartel/>

Contact CWG Working Group Co-Chairs:

[Russian Federal Anti-Monopoly Service \(FAS\)](#)

[French Autorité de la Concurrence](#)

[Italian Competition Authority AGCM](#)



Merger Working Group



The Merger Working Group

Presents a Webinar on:

[Title of the Webinar]

[Day of the week], [Month Day, Year]

[Time for the webinar]

[Description of the webinar]

Dial-in Numbers & Webinar Links

[Dial-in numbers and log in links will be provided in advance of the program.]

Moderator

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Speakers

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

[Name]
[Title]
[Affiliation]

Find out more about MWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/merger/>

Contact MWG Working Group Co-Chairs:

[UK Competition and Markets Authority](#)

[Spanish Competition Authority CNMC](#)

[Brazilian Competition Authority](#)

ANNEX 3: Evaluation Form

[USE WG TEMPLATE]

ICN Webinar Evaluation Form

[ADD PROGRAM TITLE]

[ADD PROGRAM DATE]

	Truly Outstanding	Met Expectations	Not up to ICN Standards
Substantive Quality			
Production Quality			
Moderator			
[ADD NAME]			
Speakers			
[ADD NAME]			
[ADD NAME]			
[ADD NAME]			
[ADD NAME]			

Comments (good or bad) to share with this or other working groups for best practices:

What other topics would you like to be addressed in a working group program?

Reviewer (optional): _____



INTERNATIONAL COMPETITION NETWORK

Chapter 5

Workshop Planning Guide

**WORKSHOP PLANNING GUIDE
LOGISTICS, TIMELINE AND CHECKLIST
FOR WORKING GROUP CO-CHAIRS & HOST AGENCY**

Logistics (Host).....	2
1. Venue.....	2
2. AV Equipment/Technology.....	2
3. Catering.....	2
4. Hotel and Transportation.....	3
5. Supplies.....	3
6. Networking Event/Dinner.....	3
Publicity (Co-Chair/Host).....	4
7. Event Website.....	4
8. Correspondence.....	4
Site Visit (Host).....	5
9. Room Set Up.....	5
10. Approximately one month before the workshop, visit the venue:.....	6
Crafting the Agenda (Project Team).....	6
11. Workshop Project Team.....	6
Handouts.....	8
Enlisting Speakers.....	8
12. Panelists.....	8
13. Breakout Session Leaders.....	8
14. Master of Ceremonies.....	8
Preparatory Calls.....	9
15. Panel Prep Calls.....	9
16. Breakout Session Prep Calls.....	9
Pre-Workshop Engagement.....	9
Timeline.....	10

LOGISTICS (HOST)

1. **Venue.** Determine facility requirements before booking a venue, such as a hotel or conference facility. At prior ICN workshops, working groups have used a large conference room or hotel ballroom for group-wide presentations, a number of smaller rooms for small group breakout discussions, and a space for breaks and lunch.
 - **Plenary Sessions.** Look for a venue with one large room that will accommodate all participants (usually around 100 to 125 people or more for a global workshop and around 50 to 75 for a regional workshop).
 - **Breakout Rooms.** Ideally, the venue would have enough meeting rooms to allow for about 15 to 20 participants per breakout room (and preferably no more than 30 people in each room). Note, separate rooms are preferred to avoid noise issues (rather than one large room that is separated into smaller rooms using room dividers). However, 5 or 6 rooms are not always available, and working groups may not be able to staff that many rooms with qualified leaders. If a sufficient number of rooms or leaders are not available, for some breakout discussions or exercises, consider dividing participants into smaller groups within each room.

2. AV Equipment/Technology

- Determine AV equipment needs and confirm availability at the venue – including whether the venue can accommodate PowerPoint slides, provides microphones, flip charts, easels, or whiteboards and markers. Have a backup plan for potential technology failure/issues.

Consider webcasting the plenary sessions, which allows others to view the workshop in real time over the internet. A less expensive option is recording the plenary sessions and posting them on the ICN website. (Note: Breakout sessions are not recorded to avoid stifling discussion.)

Ask if the venue has internet access and/or a business center with access to a printer and computers (for staff and participants). If not, let delegates know where they can get internet access nearby (e.g., free wifi at a nearby shop or café).

3. Catering

- Check if the venue has in-house catering for breaks and lunch (and the cost), or any restrictions on working with third party vendors.
- **Morning Coffee.** Consider serving coffee and tea in the morning, before the start of the workshop, if budget permits. If the venue is at a hotel and breakfast is included in the room rate, serving breakfast may not be necessary, but coffee and tea is always appreciated.
- **Coffee Breaks.** Workshops usually have two (ideally 30 minute) coffee/tea breaks with light refreshments, one before and one after lunch.

- **Lunch.** Lunch is usually provided by the host, often in the hotel restaurant, or it is catered in a private room. Schedule permitting, allocate 90 minutes for lunch.
 - o If a private room is available, consider having a lunchtime speaker.
 - o Alternatively, consider holding “table talk” sessions over lunch – that is, identify topics for discussion and designate which table(s) will discuss the topic. Assign one person at each table to help lead or guide the conversation. Those delegates interested in the topic may sit at one of the tables. Instead of topics, another idea is to feature a prominent person, such as the agency head or feature a speaker, for an informal lunchtime discussion.

4. Hotel and Transportation

- Identify nearby hotels, including some lower priced options. Post this information on the workshop website and/or include with the invitation letter or correspondence to registered participants.
- Consider asking for a group rate at one or more hotels and block off a number of hotel rooms. The downside is that the host agency may be financially liable for unused rooms.
- If the hotel is not walking distance to the venue, provide delegates with information on public transportation to the venue – subway, bus, tram. Ask the hotel if a shuttle bus is (or could be made) available. Consider providing transportation to/from the hotel.

5. Supplies

- Supplies may include table tents for all delegates or for speakers only, name tags, paper and pens. Check to see if any supplies can be provided by or borrowed from the hotel or conference center.
 - o Nametags typically list each delegate’s name, agency, and home country. For NGAs some have not included the firm or employer.
- If there will be handouts, consider ordering binders with tabs.

6. Networking Event/Dinner

- Some hosts hold a dinner for all delegates. If a dinner is held, it should be the first (or second) night of the workshop and not the night before when some delegates may not yet have arrived. Some hosts may choose to include a short social program before or after the dinner.
- Others have held a dinner for speakers the night before – doing so allows panelists to meet prior to the workshop and finalize plans for their sessions.

- Ideas for dinner options include:
 - o **Dine Around** – rather than host a dinner or on the second night of the workshop, consider holding a “dine around” at several local restaurants. The host makes reservations and creates sign-up sheets with a description of each restaurant (and approximate cost per person). Participants can then sign up to attend one of the dinners. This works best if, for several of the sign-up sheets, one person from the host agency or working group leadership is listed as attending the dinner. If the co-chairs and speakers sign up in advance, it will encourage others to participate.
 - o **Food Court** - another option is to identify an area with several restaurants and either shuttle participants there or have them meet in the lobby and take taxis or public transportation. Participants can then form their own groups for dinner.
 - o **Meet Up** - consider arranging for participants to meet at the lobby or nearby bar for an informal get together.

PUBLICITY (CO-CHAIR/HOST)

7. Event Website

- Create a workshop website. In the past, workshop websites have been created by the host on the agency site or by the responsible Co-Chair or project lead on the ICN website. For an example of a workshop website, see Annex 1.

8. Correspondence

- **Save the Date.** Once a venue has been identified and a date cleared with the Horizontal Coordinator, send a “save the date” or “mark your calendar” email to all working group and/or ICN members. Include a link to the workshop website. See Chapter 4, Annex 2 for flyer templates.
- **Invitation.** At least two to three months before the event, send an invitation letter. If there is a brochure or draft agenda available, include with the invitation. Send a reminder email about four weeks later.
- Draft an invitation. See Annex 2 and 3 for sample invitation and registration form:
 - o Include registration form with a cutoff date for responses and hotel information and/or a link to these documents on the workshop website.
 - o Include the purpose of the workshop and your target audience – junior lawyers and economists? More senior case handlers?
 - o Consider whether you want to indicate the number of staff each jurisdiction may send to the workshop.

- Decide who will sign the invitation. In past workshops, invitations have been signed by the co-chairs, or by the host agency, or the responsible Co-Chair and the host agency.
 - Provide information on whether visas may be required, including a link to the information on the website. If visas are required, send individualized letters to delegates upon request.
- If all ICN members are invited to the workshop, ask the Secretariat to send out the invitation.
 - Determine how many NGAs to invite to the workshop. Consider the desired balance between members and NGAs. For some workshops, each breakout room included one NGA as a facilitator and at least one or two as participants in the room.
 - Consider creating a brochure – depending on whether there is an opportunity, such as OECD global forum, to hand them out. See Annex 4 for a sample brochure.
 - Write a short promotional note announcing the event for the ICN Newsletter and submit to the Secretariat and ICN Steering Group Chair’s office.

SITE VISIT (HOST)

9. Room Set Up

- The room set-up will depend on the format of the program and any space constraints at the venue.
- **Plenary Rooms** - Classroom style with tables works well, but theater-style seating tends to hold more people, if space is an issue. Another option to consider is to have several round or rectangular tables with a podium and speaker table up front. This latter idea works well for “table talk” sessions where the program goes back and forth from plenary to individual table discussions. For a regional workshop with fewer participants, consider a u-shape or square (OECD style) arrangement to facilitate discussions.
 - If speakers will use presentations or visual aids, be sure that the room is arranged so all can see the speaker and/or screen.
- **Breakout Rooms** - A conference room table allows for one small group discussion. A number of smaller round/square tables works well for small group exercises.
 - In workshops with concurrent breakout sessions covering the same topic, it can be helpful to have participants remain in the same room the entire workshop to get to know each other and promote discussion.
 - Decide who will be in charge of assigning delegates to breakout rooms, how this will be done, and how this information will be communicated to delegates.

- Room assignments can be “hand selected,” left to participants, randomly allocated (but separating delegates from the same agency), or even divided based on which side of the room they are sitting on.
- Consider printing a participant list with room assignments. This list can be provided at registration and posted outside the breakout areas.

10. Approximately one month before the workshop, visit the venue:

- Confirm arrangements regarding room set-up, audio visual equipment and supply needs, and transportation that has been arranged for delegates.
- Confirm meal timings and menus (including any special dietary requests), coffee and tea breaks.
- Ensure that several hotel staff will be available to help set up the room 24 hours in advance of the opening. Set a time to walk through the room – either the night before or early the day of the workshop.
- Determine whether any signs are needed to direct participants to the registration desk (which is where participants can pick up a copy of the agenda/workshop schedule nametag, and any handouts), or from the desk to the meeting rooms. Note: if you will provide a participant list, ask participants to confirm their contact details, make any revisions and distribute to all delegates on day 2.

CRAFTING THE AGENDA (PROJECT TEAM)

11. Workshop Project Team

- Announce workshop on working group call and solicit member and NGA volunteers to participate in planning the workshop. The team should include a representative from the host agency. Designate one Co-Chair or working group member to be project lead, responsible for overseeing the project team. If a working group member is selected as project lead, assign one co-chair to liaise with the project leader.
- **Agenda.** The workshop project team prepares preliminary agenda. The team will need to decide on the number and subject matter of panels. Create panel teams and assign responsibility for developing each panel and accompanying breakout sessions to one or more session leaders.
- **Plenary Sessions.** Each panel team identifies the objectives for the session and key elements to be addressed and proposes panel and breakout formats, and the necessary time for their panel. In thinking about the objective for the session:
 - Is it to promote or explain the group’s work product?
 - What is the panel’s “take away” or message?

- What practical advice is conveyed?
- What is the best format to achieve stated objectives and convey the message?
 - i. Case study
 - ii. Hot topics
 - iii. Debate propositions
 - iv. Mock hearing, mock meeting, some sort of role play
 - v. Initial presentation(s) followed by panel reaction and/or discussion
 - vi. Panel discussion
- Once the preliminary agenda is ready, hold a working group call to review.

- **Breakout Sessions.** BOS allow members and NGAs to share experience in a small group setting to encourage discussion. It is important to instruct moderators and resource persons as to the “spirit” of BOS - they are intended to be informal sessions in which delegates feel free to talk and share their experiences. BOS are generally not intended as mini-plenary sessions. Methods to encourage discussion include the use of hypothetical case studies, exercises, and discussion questions. It is helpful to create a moderator guide for each breakout session setting out the objectives of the session, the roles of the moderators and resource persons, and a plan for the session, including any questions to pose or exercises. See sample guide at Annex 5. PowerPoint presentations should be discouraged except to present the hypothetical fact pattern and/or discussion questions. Consider also the use of a handout and circulating the handout in advance of the workshop.

- **Hypothetical Case Study.** If a hypothetical will be used, form a hypo drafting team. Include members and NGAs. Identify the issues the hypothetical should raise. Circulate the hypothetical in advance of the workshop – the more complex the hypothetical the earlier it should be sent to delegates to study in advance of the workshop (at least two to three weeks before the workshop). Consider presenting it in a pre-workshop webinar (see below) and dedicate ten or fifteen minutes at the workshop for presenting the hypothetical. While doing so will familiarize delegates with the hypothetical take care to avoid making the hypothetical overly complex. In past workshops, separate add-on materials (i.e., different scenarios compared to base case) were handed out at the workshop for discussion in the breakout sessions.

- **Opening Session.** Most workshops have been opened by the co-chairs or staff from the host agency with a few remarks about the workshop's topic, objectives, and its desired impact. It may be necessary or desirable to invite a representative from the host Government or another agency to provide welcoming remarks. Work with the host to decide who from the agency or host country will speak and for how long (note – welcoming remarks should be short!).

- Consider inviting a keynote speaker to open the substantive program.

- **Implementation.** Consider including a session on implementation of ICN work product and be sure to integrate and promote ICN work product into the panel and breakout session discussions. At a minimum, mention relevant ICN work products in the opening session and make sure that printed copies are available for delegates.

HANDOUTS

Work with the working group leadership to determine whether there will be any handouts and for which sessions. These handouts will need to be copied and distributed at the appropriate time.

- Include a list of participants with name/title/agency/address/telephone number/email address.
- **Evaluation Form.** Once the agenda is finalized, create an evaluation form. An evaluation form can provide useful information for improving the workshop as well as obtain feedback on the group's work product and ideas for future work. A sample evaluation is at Annex 6. Consider when to circulate the form. Options include providing it with the agenda at registration, placing it on delegates seats in the morning of the first day (and encouraging delegates to complete it in real time), or allocating time in the last breakout session for delegates to complete the form (this last option tends to increase the response rate). Consider circulating an electronic copy to all delegates after the workshop.
- Be sure the host agency has a copy of the slides for uploading on day of presentation.

ENLISTING SPEAKERS

- 12. Panelists.** Begin to think about speakers as soon as the agenda firms up. The number of speakers will depend on the format of the session, but a good rule of thumb is no more than a moderator and three or four panelists. Strive for diversity on panels – including geographic diversity, younger and more experienced agencies, a mix of lawyers, economists and NGAs, as appropriate.
- 13. Breakout Session Leaders.** Ask host to provide a list of all registered delegates to identify breakout session moderators and resource persons. Also consider assigning panelists to these roles. The number of moderators will depend on the number of breakout rooms. The number of resource persons will depend on whether the rooms will be divided into smaller groups for some exercise or discussions. If so, consider assigning a resource person to each smaller group. Consider also whether each room should have one lawyer and one economist and/or one member and one NGA. See Annex 7 for guidance on moderator roles.
- 14. Master of Ceremonies.** Most workshops will be opened by one or more co-chairs and the head of the host agency. It is helpful to have one person act as “master of ceremonies” before or after each session – to provide information on timing and location for each of the sessions, meals, and coffee breaks (e.g., at the conclusion of a panel inform delegates of the coffee break, the time it ends, and where delegates should go after the break). Decide with host whether this person will be from the working group or host agency.

PREPARATORY CALLS

15. Panel Prep Calls. Hold at least two or three panel prep calls, with the first call organizational in nature and the others to review substance.

- a. The first panel preparatory call takes place as soon as the speaker list is finalized, at least 5 weeks (preferable more like 8 weeks) before the workshop. Use this first call to introduce the speakers to each other, the objectives of the workshop, the panel topics, and the proposed format for the session. Allocate responsibility for covering certain points or topics among the speakers. Set a date for the next planning call. Agree to circulate PowerPoint slides, if any, in advance of the next (or third) call.
- b. Use the second planning call to walk through the panel – as applicable, determine the order of speakers, ask speaker to share the substance of their remarks. If the panel will use questions posed by the moderator, determine who will respond first and second for each question. See sample panel scenarios included in Chapter 4, Annex 1.
- c. The final planning call takes place no less than a week before the workshop.
- d. Plan on meeting in person before the start of the workshop or at breakfast or lunch on the first day.
- e. Hold at least one call – either the first or second - with panelists from all plenary sessions so that each panel understands the scope of the session and avoids overlap with other panels.

16. Breakout Session Prep Calls. Hold a call with breakout session moderators – review expectations, objectives of the workshop, and decide if the moderator or the Co-chair will create a session guide.

- Encourage breakout session moderators to hold one or more session planning calls with their facilitators/resource persons/speakers.
- Hold one call with all breakout session moderators and resource persons. Circulate the breakout session guide in advance of the call.

PRE-WORKSHOP ENGAGEMENT

17. Prepare an **administrative note** covering logistics and circulate to registered participants, along with the final agenda, the hypothetical or other background materials. This note should contain the address of the venue, transportation from the airport(s), social events, and basic information about the host country (such as weather/cultural sensitivities/getting around). See sample

logistics note at **Annex 7**.

- 18.** Consider holding a **pre-workshop webinar** for all registered participants two to three weeks before the workshop to review logistics and answer any questions. If the workshop will use a hypothetical case study, a pre-workshop webinar can be used to present the hypothetical.

TIMELINE

1. Four (or more) months before the workshop - Initial planning

- a. Identify responsible Working Group Co-Chair for overseeing workshop planning.
- b. Working with the ICN Horizontal Coordinator, select a date to hold the workshops. Take note of local holidays and consider times when hotel rates may be less expensive.
- c. Finalize venue and determine AV capabilities at venue.
- d. Form a workshop project team – invite interested working group members and NGAs.
 - i. Workshop project team to prepare preliminary agenda. Create panel teams. Assign responsibility for each panel and accompanying breakout sessions to one or more session leaders.
 - ii. Each panel team identifies the key elements to be addressed in their panel and propose panel and breakout formats, and the necessary time for their panel to the workshop project team/leader.
- e. Once the preliminary agenda is ready, hold a working group call to review.
- f. Create workshop website and a promotional flyer.
- g. Send out a save the date email. Include promotional flyer and link to the workshop website.

2. Three (or more) months before the workshop - Invite speakers and participants

- a. Host identifies nearby hotels and any visa requirements.
- b. Finalize agenda and create a program brochure. Post on workshop website.
- c. Identify panel moderators and speakers.
- d. Draft invitation, registration (and hotel reservation forms – optional) and send to ICN members.

- e. Invite NGAs - decide how many to invite and whom to invite.

3. Two months before the workshop - staff breakout sessions and hold panel prep calls

- a. Determine transportation issues, finalize coffee breaks, lunch arrangements, and dinner plans. Order supplies.
- b. Identify breakout session moderators and resource persons.
- c. Create breakout session guides.
- d. Hold first panel prep calls.
- e. Send an email reminder to those jurisdictions that have not responded.

4. One Month before the Workshop

- a. Create evaluation form (can be done anytime after agenda is finalized)
- b. Hold second panel prep calls.
- c. Arrange a conference call with the breakout session leaders to review the instructor guide/program and answer any questions.
- d. Ensure that host agency staff visits the venue and confirm arrangements.
- e. Send email to all registered delegates with any workshop materials and any instructions regarding hotels, meals, or transportation.

5. Month of the Workshop

- a. Identify a master of ceremonies.
 - b. Work with host to create name tags, table tents.
- c. Two to three weeks before the workshop is scheduled, hold a call (or webinar) for all registered delegates to review the program and logistics. If using a hypothetical, present the hypothetical in a webinar.
- d. Print final copies of the agenda and any handouts and finalize plan for distribution – on arrival in binders or folders, in breakout rooms...

- e. Assign delegates to breakout sessions.
- f. The day or evening before the workshop begins, the workshop organizers and each of the session leaders should meet with all of the speakers and moderators to go over logistics and review the instructor guides/program.

6. At the Workshop

- a. Check room set up. Check handouts and agenda are copied, signs and breakout session room assignments are posted.
- b. Set up registration desk. Revise participant list.
- c. Distribute evaluation form in last breakout session.

7. After the Workshop


- a. If necessary, circulate an electronic copy of the evaluation form to all delegates after the workshop. Tally responses.
- b. Circulate links to presentations by speakers (inform speakers in advance)
- c. Upload workshop materials on the ICN website.

List of Annexes

1. Workshop website
2. Invitation
3. Registration form
4. Brochure
5. Breakout session guide
6. Evaluation form
7. Guidance on Moderator Roles
8. Logistics Note

See Chapter 4, Annex 2 promotion flyer templates

See Chapter 4, Annex 2 for sample panel scenarios



ICN Merger Workshop 2012

8 - 9 Nov
Bogotá


[Home](#)
[Programme Materials](#)
[About Colombia](#)
[Useful Information](#)
[Event Transportation](#)
[Venue & Accomodations](#)
[Contact Us](#)
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Welcome

The Role of Economic Evidence in Merger Analysis: Taking Stock of the Past and Shaping the Future

The Colombian Superintendencia de Industria y Comercio (SIC) is pleased to invite you to the 2012 International Competition Network (ICN) Merger Workshop, which will be held in Bogotá, Colombia, on 8 and 9 November 2012.

The 2012 Merger Workshop will be the 9th workshop hosted under ICN auspices, and is a continuation of the series of agency-led conferences that began in 2002.

During the two-day Workshop, discussions will focus on the role of economic evidence in merger analysis. First addressed during the 1st Merger Workshop in Washington in 2002, this topic was tackled at length in a 2003 article which has become Chapter 4 of the Investigative Techniques Handbook. Several years later, where do agencies stand as regard the use of economic evidence in their merger cases? The Workshop will take stock of current practices on using economic analysis in merger cases and provide a forum for Merger Working Group members to share their experiences in this regard.

During the Workshop sessions, participants will discuss topics related to economic evidence and merger analysis, such as how economics can be used to better understand the specifics of the market(s) concerned and to develop a coherent and well-articulated theory of harm, how economics can help generating reliable evidence, and how economic data can be efficiently gathered.

The sessions will include in-depth discussions on relevant recent and/or major cases. The Workshop will also address how Chapter 4 of the Investigative Techniques Handbook has been used in practice and how it can be improved to better assist agencies in the assessment of merger cases to come.

In addition to ICN member agencies, Non-Governmental Advisors (NGAs) will be invited to participate in most of the sessions of [to be decided] the Workshop. The SIC looks forward to meeting ICN member agencies and NGAs in Bogotá in November 2012!



Dear ICN Member:

We are delighted to invite your agency to participate in the Virtual ICN Promotion & Implementation Workshop. Co-hosted by the Merger, Unilateral Conduct, and Agency Effectiveness Working Groups, and the International Cooperation Project Group alongside and Promotion & Implementation Team, the workshop will take place virtually on consecutive Thursdays in the month of September 2021. The workshop will begin with a kick off call on September 2 to prepare participants to actively engage in sessions on September 9, 16, 23, and 30.

Attached is the workshop agenda. The workshop is designed to promote greater understanding and further implementation of the ICN's work product. It will focus on practical training by senior investigators for case handlers, using ICN work product and ITOD modules, and address investigative planning and process, developing reliable evidence through document requests and interviews, and case cooperation in merger review and conduct cases.

Click [here](#) to register for the workshop. We encourage junior and mid-level staff investigators, attorneys, and economists to attend. The training-style workshop will promote the exchange of practical experience among attendees, using hypothetical scenarios, roundtable discussions, role-plays, and breakout sessions. Additional information is available on the ICN [website](#).

If you or your colleagues have any questions about the workshop, please feel free to contact Cynthia Lagdameo at clagdameo@ftc.gov or ICN@ftc.gov.

We hope to see you on line in September!



International Competition Network

ICN Merger Working Group: Investigative Techniques Workshop February 15-16, 2017 - Washington, DC Registration Form

Please email the completed form to Edward.Hocter@usdoj.gov

First Name	▶
Surname	▶
Title/Position	▶
Years in Practice	▶
Agency or Firm Name	▶
Jurisdiction	▶
Email	▶

The organizers will use the requested information for workshop administration purposes - to estimate how many people will attend, prepare name tags, and better understand the likely audience for the workshop, and we will use your email address to contact you with information about the workshop.

We also will use the information to create a participant list with delegates' contact details for dissemination at the workshop. Information you provide also may be disclosed to outside organizations or individuals as permitted or required by the Freedom of Information Act or by other laws or authorities. For additional information, including routine uses permitted by the Privacy Act, see the DOJ and FTC's Privacy Policies at <http://www.justice.gov/doj/privacy-policy> and www.ftc.gov/ftc/privacy.htm. While this form is purely voluntary, your failure to complete it may make it impossible for us to include you in our participant list, to contact you in the case of any program changes or updates, or to receive other relevant notifications or information.

ICN Skills Workshop Registration Form

Thursdays, September 2-30, 2021

We encourage junior and mid-level staff investigators, attorneys, and economists to attend.

Registration closes on August 26.

** Indicates required question*

1. Email *

2. First Name *

3. Surname *

4. Title/Position *

5. How many years have you worked at the agency? *

6. Agency Name *

7. Country or Jurisdiction *

8. Would you prefer to investigate a proposed merger or abuse of dominance/monopolization case? *

Mark only one oval.

Merger

Unilateral Conduct

9. Are you able to use Zoom? *

Mark only one oval.

Yes

No

The organizers will use the requested information for workshop administration purposes - to estimate how many people will attend, prepare name tags, and better understand the likely audience for the workshop, and we will use your email address to contact you with information about the workshop.

We also will use the information to create a participant list with delegates' contact details for dissemination at the workshop. Information you provide also may be disclosed to outside organizations or individuals as permitted or required by the Freedom of Information Act or by other laws or authorities. For additional information, including routine uses permitted by the Privacy Act, see the FTC's Privacy Policy at www.ftc.gov/ftc/privacy.htm. While this form is purely voluntary, your failure to complete it may make it impossible for us to include you in our participant list, to contact you in the case of any program changes or updates, or to receive other relevant notifications or information.

Google Forms

UNILATERAL CONDUCT WORKING GROUP

CO-CHAIRS

Randolph W. Tritell, Director
Office of International Affairs, FTC

Markus Lange, Head
International Section, Bundeskartellamt

AGENCY MEMBER JURISDICTIONS

Australia	Jersey
Austria	Kenya
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Canada	Mexico
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Czech Republic	New Zealand
European Union	Poland
Finland	Romania
France	Russia
Germany	Slovak Republic
Hungary	South Africa
Indonesia	Spain
Ireland	Sweden
Israel	Switzerland
Italy	Turkey
Jamaica	United Kingdom
Japan	United States

In cooperation with the group's
Non-Governmental Advisors

WORKSHOP CONTACTS

Cynthia Lewis Lagdameo
clagdameo@ftc.gov

Kai Hooghoff
kai.hooghoff@bundeskartellamt.bund.de

WORKSHOP AT A GLANCE

WHAT: Unilateral Conduct Workshop on
Assessing Dominance/ Substantial
Market Power and Evaluating
Unilateral Conduct

WHEN: March 23-24, 2009

WHERE: U.S. Federal Trade Commission
Conference Center
601 New Jersey Avenue, NW
Washington, DC

ACCOMMODATIONS*

Hotel George
15 E Street, NW
Washington, DC
1-202-939-6430

Red Roof Inn
500 H Street, NW
Washington, DC
1-202-289-5959

**ADDITIONAL INFORMATION, INCLUDING
WORKSHOP REGISTRATION AND HOTEL
RESERVATION FORMS, IS AVAILABLE AT:**

<http://www.internationalcompetitionnetwork.org/index.php/en/working-groups/unilateral-conduct/workshops>

* Participants are responsible for their own accommodations. We have reserved a limited number of rooms at the Hotel George and Red Roof Inn at a reduced rate.



ICN UNILATERAL CONDUCT WORKSHOP



**ASSESSING DOMINANCE /
SUBSTANTIAL MARKET POWER
AND
EVALUATING UNILATERAL CONDUCT**

**MARCH 23-24, 2009
WASHINGTON, D.C.**

INTRODUCTION

The ICN Unilateral Conduct Working Group will hold an interactive workshop designed to promote greater understanding of the ICN's Recommended Practices on the analysis of dominance/substantial market power and the group's work on exclusive dealing, predatory pricing, and state-created monopolies. The workshop is intended for officials and staff lawyers and economists responsible for unilateral conduct policy and enforcement.

Using hypothetical case scenarios, roundtable discussions, and small group breakout sessions, the workshop will encourage active participation and the exchange of ideas and practical experience among delegates.

The workshop will take place on March 23-24, 2009, in Washington, D.C., at the Federal Trade Commission's conference center, located at 601 New Jersey Ave., NW. Further details and workshop registration and hotel reservation forms are available at: <http://www.internationalcompetitionnetwork.org/index.php/en/working-groups/unilateral-conduct/workshops>

The United States Federal Trade Commission and the United States Department of Justice's Antitrust Division will host the workshop.

PROGRAM SUMMARY

MONDAY, MARCH 23

The workshop will open with an overview of unilateral conduct law and enforcement, including the objectives of unilateral conduct rules and the assessment of single-firm conduct.

MORNING SESSIONS: ASSESSING DOMINANCE / SUBSTANTIAL MARKET POWER

The first day will focus on issues related to the assessment of dominance/substantial market power, drawing on the ICN's Recommended Practices. The first panel will address policy issues, including how dominance/substantial market power differs from market power and the significance of market shares, presumptions, and safe harbors.

The second panel will address practical issues raised in the analysis of dominance/substantial market power, including market definition, the durability of market power and entry and expansion, and the relevance (if any) of originating as a state-created monopoly.

AFTERNOON SESSION: BREAKOUT GROUPS

Delegates will be divided into smaller groups to discuss issues introduced during the morning sessions. Each group will analyze a series of hypothetical cases designed to illustrate analytical factors contained in the Recommended Practices, including entry, buyer power, economies of scale and scope, network effects, and access to upstream markets/vertical integration.

TUESDAY, MARCH 24

MORNING SESSIONS: EXCLUSIONARY EFFECTS AND FORECLOSURE AND EXCLUSIVE DEALING/SINGLE BRANDING

This panel will discuss anticompetitive effects in unilateral conduct cases and seek to answer such questions as: How do you distinguish harm to competitors from harm to the competitive process? What are exclusionary effects and what should competition agencies be looking for? What does foreclosure mean?

In small groups, delegates will discuss in more detail issues relating to exclusionary effects and foreclosure analysis through the use of case studies on exclusive dealing/single branding. Non-governmental advisors (NGAs) will offer their perspectives on the competitive effects of unilateral conduct and business rationales for engaging in exclusive dealing/single branding arrangements.

AFTERNOON SESSIONS: PREDATORY PRICING

Panelists will explore the use of price-cost tests in predatory pricing cases and other issues related to the assessment of anticompetitive effects, including the role of recoupment and how justifications and defenses may be taken into account. In small groups, delegates will continue discussing these issues through case studies. NGAs will offer their perspectives, including on justifications and defenses for various pricing strategies.

INTERNATIONAL COMPETITION NETWORK

Merger Working Group



DAY 2

TABLE TALK GUIDES #1 & #2

INTERVIEW SKILLS/PRODUCT MARKET

ASSESSING ENTRY & EXPANSION

ICN Merger Workshop

February 15-16, 2017

Washington DC

TABLE TALK #1
INTERVIEW SKILLS/PRODUCT MARKET

GOALS – Participants will get hands-on experience conducting part of an interview focusing on product market definition. Facilitators and staff playing the role of witness will give advice on how to improve interviewing styles and techniques.

Table Talk #1 Facilitators: See attached document

Table Talk #1 Interview Subjects:

Ms. Hooper

1. Melissa Hill (Tables 1 and 8)
2. Patricia Galvan (Tables 2 and 9)
3. Melanie Krebs-Pilotti (Tables 3 and 10)
4. Jasmine Rosner (Tables 4 and 11)
5. Julie Tenney (Tables 5 and 12)
6. Jesus Alvarado-Rivera (Tables 6 and 13)
7. Ryan Quinlan (Tables 7 and 14)

Mr. Henry

8. Jim Abell (Tables 8 and 1)
9. Josh Goodman (Tables 9 and 2)
10. Tim Longman (Tables 10 and 3)
11. Scott Fitzgerald (Tables 11 and 4)
12. Karl Knutsen (Tables 12 and 5)
13. Justin Heipp (Tables 13 and 6)
14. Jordan Andrews (Tables 14 and 7)

DATE/ TIME/ LOCATION:

Thursday, Feb. 16 - Constitution Center Room ABC

9:25 a.m. - 10:25 a.m. Table Talk 1

10:25 *Break*

10:45 Role Play: Model Interview by Scott Fitzgerald, Trial Attorney, Litigation 1, US DOJ

PROGRAM DESCRIPTION: The room will have 14 tables, with 8-10 participants per table. One facilitator will sit at each table and guide the program.

There will be 14 interview subjects in the room who will be highly familiar with the facts from a few of the hypothetical materials: Interview with SportAde and Interview with SuperC. [Note that the workshop participants will not have seen these interview summaries before this session.] Half of the interview subjects will assume the role of a customer (playing Ms. Hooper, the Category Development Manager for Super Corporate Brands), and the other half the role of a competitor (playing Mr. Henry, Vice President of Marketing for SportAde) from the hypothetical materials.

[10 minutes] Facilitators should give quick instructions on how the table talk will work. Facilitators should pick 3 volunteers from each table, including a first-chair interviewer, a second-chair interviewer, and a note taker. An interview subject will come to the table (a customer/Ms. Hooper will go to tables 1-7 and a competitor/Mr. Henry will go to tables 8-14). First and second chair interviewers should then

conduct part of an interview focusing on product market definition.

[10 – 15 minutes] The witness and facilitator should give feedback on the interview style and questions, and the facilitator should also solicit input from others at each table. Note takers should keep a record of the major observations or takeaways from the practice interview. If practical, interviewers should have an opportunity to re-do a small part of the interview in light of the feedback received.

[20 minutes repeat above] Interview subjects will then rotate to a new table so that each table has the opportunity to conduct an interview of a customer and competitor (a competitor/Mr. Henry will move to tables 1-7 and a customer/Ms. Hooper will go to tables 8-14). This interview exercise and feedback will then repeat with a new set of 3 volunteers.

[Remaining Time] The room will re-gather. The lead facilitator will ask note takers to offer to the room the major observations and lessons from each table.

**TABLE TALK #2
ENTRY/EXPANSION**

DATE/ TIME/ LOCATION:

Thursday, Feb. 16 - Constitution Center Room ABC

11:05-11:30 Presentation on Entry and Expansion, by Joel Bradford

11:30 a.m. - 12:30 p.m. Table Talk #2

11:30-12:30 Table Talk #2

11:30- 12:00 – Table based exercise to consider different types of entry

Following the analysis according to the criteria laid out in the Merger Analysis RPs, each table will carry out an assessment of entry based on the documents provided in this case. Each table will have a moderator to guide discussion and point participants to the key issues. The moderator may ask about different aspects of entry and expansion to enhance the table's discussion.

Please be prepared to give a short summary (less than 1 min) of your table's conclusions, including the key evidence on which you are relying.

12:00- 12:15 – Report back

The CMA will lead a short session to discuss the tables' conclusions. Note that due to time restrictions, not all tables will be asked to report back.

12:15-12:30 – What would you do next?

All tables will consider what further information they would require, and from whom, to enable them to draw conclusions on entry or expansion in this case. Tables should draw up a list of the top 5 next steps in the investigation.

Relevant Hypothetical Documents

Binder Tab 2 - JE Strategic Plan (provided pre-workshop)

Binder Tab 4 – provided at the end of Day 1

Bom Dia Kick-Off Presentation

Pure/Bom Dia Business Strategy Update

Just Energy Analysis of Bom Dia Launch

Interview Summaries for Pure/Bom Dia, Star/Astro, and Just Energy

Binder Tab 5 - Interview Summaries for SportAde and Super Convenience (provided after Table Talk #1)

HANDOUT FOR PARTICIPANTS

Task: in two parts, consider the possibilities of 1) a new entrant in to the energy drink market, and 2) any expansion by existing energy drink suppliers.

Framework for analysis – new entry

New entry can sometimes effectively discipline the behaviour of the current market participants. Entry is a real competitive constraint if three conditions are met:

- the **entry** is **likely** to occur. Entry is likely if it is profitable (Would the merger create a significant opportunity for a profitable entry? Are there any barriers to entry – absolute barriers such as government regulations, licensing and intellectual property rights or structural barriers such as cost (risk of sunk cost), demand and technology? Do economies of scale or strategic advantages of the incumbent make entry less attractive? What is the experience with entry in the market in recent years?);
- the entry is of a **nature, scale** and **scope** to prevent or reverse the anti-competitive effects the merger otherwise would have (Is the envisaged entry of a dimension to counteract the specific anti-competitive effects of the merger?); and
- the entry is likely to occur within a reasonable period of time (**timely**).

Framework for analysis – expansion

The ability of existing market participants to expand their capacities in response to a price increase can act as a competitive constraint to the merging parties if competitors can use existing capacity or can expand their capacities quickly. In this context, expansion is taken into account when the expansion would occur as a result of the new market conditions generated by the merger.

When will expansion of capacities lead to such competitive constraint?

- the **expansion** is **likely** to occur. It is likely to occur if it would be profitable (compare cost of expansion with expected sales income)
- the expansion is of a **nature, scale** and **scope** to prevent or reverse the anti-competitive effects the merger otherwise would have (Will the likely expansion allow for comp a dimension to win enough business from the parties on a national level?); and
- the expansion is likely to occur within a reasonable period of time (**timely**). Basically, a period of up to two year may be seen as timely (although each case should be considered on its own facts).

Questions to consider

- **What are the key factual questions underlying the entry analysis?**
 - What has been the relevant history of entry into energy drink sales?
 - What are the conditions a possible entrant would face in energy drinks?/What are the barriers to entry, if any?
 - How easy would it be for firms other than the merged firm to expand output?
 - How easy would it be for firms other than the merged firm to reposition themselves and increase sales?

- **What are possible factual follow-ups questions to address for the above entry questions?**
 - What was the history of Emerge's entry? What was the history of Thrive's entry? What was the history of all other energy drink sellers' actions in the market?
 - What failures have there been?
 - What facilities would be required to produce energy drinks?
 - What marketing and consumer acceptance would be required to sell a new brand of energy drink profitably? Could any firms use existing market positions or brands to facilitate entry into energy drink sales?
 - Are there any existing plans for entry? How easily can existing producers expand output? Expand sales? Are there any existing plans for expansion?

Relevant Hypothetical Documents

Binder Tab 2

JE Strategic Plan – provided pre-workshop

Binder Tab 4

Bom Dia Kick-Off Presentation
Pure/Bom Dia Business Strategy Update
Just Energy Analysis of Bom Dia Launch
Interview Summaries
 Pure/Bom Dia
 Star/Astro
 Just Energy

Binder Tab 5

Interview Summaries (SportAde and Super Convenience)

FOR TABLE MODERATORS

Table Discussion – General principles

The participants will all have a summary of the analytical framework provided for in the MG Workbook as well as illustrative questions to consider on entry and expansion. The moderators should also look at this framework. In addition, please also look at the guidance below. Be sure to allocate time to consider issues of both entry (as embodied in the Pure/Bom Dia experience and related documents) as well as expansion by other producers, including the energy drink fringe and other beverage producers (as exemplified by details/claims about facility costs and entry experiences in interviews and party documents, e.g. the SportsAde and Star Beverages interviews).

When the tables present their solution to the room, the moderators should not insist on the “template solution” below. Rather, the moderators should encourage discussion among participants on whether the analytical framework of the ICN RPs/MG Workbook has been applied in a consistent manner (*i.e.* Why do you think entry by firm X will be likely? etc.).

Questions to consider (as presented and handed out to tables)

- **What are the key factual questions underlying the entry analysis?**
 - What has been the relevant history of entry into energy drink sales?
 - What are the conditions a possible entrant would face in energy drinks?/What are the barriers to entry, if any?
 - How easy would it be for firms other than the merged firm to expand output?
 - How easy would it be for firms other than the merged firm to reposition themselves and increase sales?

- **What are possible factual follow-ups questions to address for the above entry questions?**
 - What was the history of Emerge’s entry? What was the history of Thrive’s entry? What was the history of all other energy drink sellers’ actions in the market?
 - What failures have there been?
 - What facilities would be required to produce energy drinks?
 - What marketing and consumer acceptance would be required to sell a new brand of energy drink profitably? Could any firms use existing market positions or brands to facilitate entry into energy drink sales?
 - Are there any existing plans for entry? How easily can existing producers expand output? Expand sales? Are there any existing plans for expansion?

Discussion task 1, part 1, entry; ~11:30-11:45

Ask participants to consider the possibility of a new entrant in the energy drink market.

TOPICS FOR ANALYSIS

Overall: The relevant question is whether the competitors are likely to entry on a sufficient scale as a reaction to potential price increases/output decreases by the merged entity.

What does it need to set up energy drink production and sell the product?

- formula for production
- facilities to process & produce the energy drink by adding water
- competent staff, means of transport
- packaging
- a brand
- a marketing strategy
- contracts with convenience stores and supermarkets (shelf access)
- distribution network

Likelihood of entry

- Market is growing, but factors such as difficult access to production technology, supermarket shelves, brand recognition, etc may constrain the likelihood/ability of other companies to enter the market
- Potential entry by Pangea does not seem sufficiently likely, subject to further evidence. The information suggests that Pangea's entry is an industry rumour.
- There is evidence of failed entry (Fantasy, SportsAde), which may or may not be indicative of barriers to entry.
- FastMarts (retail chain) recent entry into the market does not necessarily indicate that other competitors can do the same or that entry would now be profitable. Super C is far from introducing its private label.
- The fact that Emerge and Pure Bev entered recently does not necessarily mean that other competitors can do the same (*e.g.*, Emerge had already a delivery system set-up).
- It is difficult to assess if the estimated cost of entry (\$5-\$10 million for conversion of a production line and \$40-\$50 million for product development and new production facility) is high on its own. All depends on whether entry will be profitable.
- No available evidence suggests that the merger may create a significant opportunity for retailers to enter.

Nature, scale and scope of expansion

- The limited scope of entry by Extra Grocery (only in its supermarkets) and by Super C (only a private label) is unlikely to constrain the merged entity.
- Difficulties in shelf-access and brand loyalty can be barriers for a new entrant to achieve significant scale.

Timeliness

- There is some evidence that entry can take two years or more (*e.g.*, research of drink can take two years), which is too long in this industry to constrain the merged entity.

One possible assessment solution:

Likelihood of entry - Would entry be profitable?

The market for energy drinks is still growing; on the other hand, there are barriers to entry: production facilities must be built up or converted for production and the existing brands have a high strategic advantage -- Thrive is very well established and a must-stock brand. Also, it is difficult and costly to get shelf access.

As regards to the rumours about Pangea and other similarly situated large beverage companies, they presumably already have adequate facilities that need some level of conversion to be able to produce energy drinks. More significant, they would have to create a brand and a marketing concept as well as trying to access shelf space. This might prove difficult, with some already well-established energy drink brands in the market. It might, nevertheless, be possible to successfully position a brand, as retail chains appear to be open to accepting promising new drinks, particularly from large beverage companies. Bom Dia focuses on metropolitan areas at the moment, but will probably offer its products nationally next year. EverBev is active mainly in the northern and central parts of the country. However, Pangea's (and others') potential entry is not triggered by the merger, but by interest in the segment's market growth. Furthermore, it is an open question as to whether such entry could make up for the anticompetitive effects of the merger, given the advantages of the incumbent firms.

Finally, it should be noted that while the rumours appear to be plentiful, it is not at all clear, if and when such beverage companies will actually enter the market. Such plans are still very vague. However, given the history of entry (the two most recent entrants that made an impact -- Fantasy and Pure -- are large beverage companies), this is a critical issue in the investigation.

Discussion task 1, part 2, expansion; ~11:45-12:00

Ask participants to consider the possibility of existing energy drink suppliers expanding.

Framework for analysis

The ability of existing market participants to expand their capacities in response to a price rise can act as a competitive constraint to the merging parties if competitors can use existing capacity or can expand their capacities quickly. In this context, expansion is taken into account if it would occur as a result of the new market conditions generated by the merger.

When will expansion of capacities lead to such competitive constraint?

- the **expansion** is **likely** to occur. It is likely to occur if it would be profitable (compare cost of expansion with expected sales income)
- the expansion is of a **nature, scale** and **scope** to prevent or reverse the anti-competitive effects the merger otherwise would have (Will the likely expansion of a dimension to win enough business from the parties on a national level?); and

- the expansion is likely to occur within a reasonable period of time (**timely**). Basically, a period of up to two year may be seen as timely (although each case should be considered on its own facts).

Topics For Analysis

Overall: The relevant question is whether the competitors are likely to expand sales/capacity on a sufficient scale as a reaction to potential price increases/output decreases by the merged entity.

Likelihood of expansion

- The fact that some competitors may have increased their sales (*e.g.*, Bom Dia) does not necessarily mean that further increase will be likely (without further insight) and that those competitors would defeat potential price increases by the merged entity. Evidence on consumer switching is necessary.
- It is unlikely that EverBev will expand due to licensing dispute.
- Factors such as difficult access to shelves, recognition of the brands of the merging parties (Thrive and/or Emerge) may limit the likelihood/ability of other companies to expand.
- Expansion costs are unclear: what do the Parties' estimates of costs include (*e.g.*, additional production lines, additional transportation costs, shelf access cost)? Expansion cost alone is not very meaningful.

Nature, scale and scope of expansion

- Capacity utilization figures are an important piece of analysis. Evidence implies that there are capacity constraints. Even if there are no capacity shortages, expansion may be difficult due to other factors (*e.g.*, requirement for specialized line of production);
- At this time, some competitors may operate only or primarily on a regional basis (*e.g.*, Bom Dia). Even if a competitor has plans to expand nationally, that expansion may not be of a scale and scope comparable to the scope of anticompetitive effects of the merger (*e.g.*, transportation cost for Bom Dia may be too high)

Timeliness

- Bom Dia is still undergoing a 'national rollout'. Its expansion may not be timely to discipline the merged entity.

One possible assessment solution:

It is unlikely that EverBev will expand due to a licensing dispute. The same goes for Star Bev, which is already working at 92% of its capacity. In that regard, it must be stressed that a facility's capacity is important to ensure high quality: operating at or close to capacity can dilute the quality of the product (see Memorandum Just Energy Meeting with Staff).

Since Meta Beverages also does not seem well-situated to expand production, the competitor most likely to expand production is Bom Dia. However, Bom Dia's expansion strategy is not triggered by the merger; expansion would also happen absent the merger. That means that it should be reflected in the counterfactual, not in the context of entry.

~12:00- 12:15

REPORT BACK (led by room moderator from CMA)

Final exercise (after Report Back) ~12:15-12:30

What would you do next?

All tables (individually) will consider what further information they would require and from whom to enable them to conclude on entry or expansion in this case. The tables will draw up a list of the top 5 next steps in the investigation.

Prompts for Table Moderators to aide table discussions

What evidence on entry was contradictory?

Would you interview further or ask for more internal documents to find the “right” answer?

What evidence was missing?

Were there parties not included? Were there documents not requested

What statements were not backed up by documentary evidence?

What economic analysis could aide your analysis?

Event analysis? Cost benefit analysis? Merger simulation?

Evidence that might be considered

- Additional information on capacity utilization
- Additional evidence on expansion costs
- More details about Bom Dia expansion
- Evidence on how long it takes for a competitor to expand, in order to achieve the necessary scale to effectively constrain the merged entity.
- Information on existing contracts between main competitors and retail chains (e.g., duration, any exclusivity?)
- Additional information on Pangea entry plans
- Additional evidence on convenience store private label status and plans
- Evidence on how long it takes for a competitor to enter, in order to achieve the necessary scale to effectively constrain the merged entity
- Information on existing contracts between main competitors and retail chains (e.g., duration, any exclusivity?)

INTERNATIONAL COMPETITION NETWORK

Merger Working Group



DAY 2

TABLE TALK GUIDES #3 & #4

EVALUATING EVIDENCE

CRAFTING AN EFFECTIVE REMEDY

ICN Merger Workshop

February 15-16, 2017

Washington DC

PLENARY SESSION

1:30 – 1:45 Plenary Role Play

The 15 min plenary session will consist of a role play presentation by **Martin Sauermann and Sibel Yilmaz**. Martin will act as an economist consultant (“Economists R Us”) and Sibel his legal advisor who argue that the merger is pro-competitive due to easy entry, the supermarkets’ buyer power and expected efficiencies. The “Economists R Us” presentation will have several shortcomings. These will be discussed in Exercise 1.

TABLE TALK #3

1:45 Table Talk #3

Participants will assess and discuss the arguments put forward by the expert in the plenary session.

Exercise 1: Critical Review of Arguments set out in the Slides (presentation is embedded in this guide)

Exercise 2: Next Steps in the Investigation

2:45 Break



Fantasy + Just Energy Inc. Merger

An Economic Analysis
Presented to the Competition Authority

11 March 2017

ECONOMISTS R US

The Transaction

Fantasy is to purchase Just Energy Inc. for
500 Million

Fantasy : Nation's leading processor and distributor of bottled water. Also active in functional beverages. Entered energy drink production 2 years ago (Emerge).

Just Energy: #1 energy company.

2

Summary

The proposed merger is pro-competitive:

- Product market is functional beverages
 - Market shares are sufficiently small to annul any competitive concerns
- Even with narrower market definition:
 - Expansion and Entry are inexpensive and timely
 - Strong countervailing buyer power
 - Significant efficiencies will be realized, leading to lower prices

3

Product Market

- ❖ Correct definition – Functional beverages

- ❖ Indications for market definition:
 - Serve same function
 - Effect of sales of energy drinks on sales and prices of other alternatives
 - Price correlations between goods

4

Product Market

Functionality and Substitutability

- ❖ Energy Drinks and other functional beverages all serve the same function (energy burst), and are used for identical purposes. They also compete for shelf space.

HENCE:

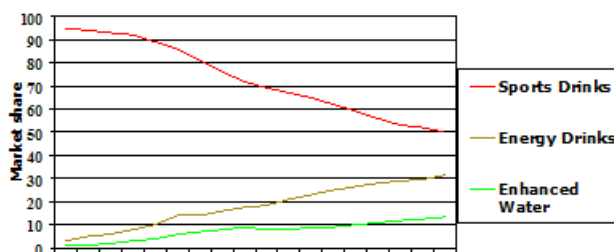
Proper Market Definition:

Functional Beverages = energy drinks + sports drinks + enhanced water

5

Product Market

Share of Functional beverage sales, 2010-2015



Energy drink success came at expense of sports drinks!

6

Market Shares: Functional Bevs

	Market Share	
SportAde	32%	Pre-merger HHI = 1624
Thrive	21%	Change in HHI = 210
CraveAde	9%	Post-Merger HHI = 1834
Emerge	5%	With wider market definition (including soda) post-merger HHI less than 500 and change less than 100.
E-Water Co.	7%	
Bom Dia	2%	
Others	25%	

7

Merger is not anti-competitive even in “energy” product market

- ❖ **Competitors can easily expand production**
 - Most current competitors produce well below capacity
- ❖ **Ease of entry: Firms poised to enter market**
 - Low cost of entry, consumers willing to switch
- ❖ **Strong countervailing buyer power**
 - Convenience stores & supermarkets do not accept price increases
- ❖ **Significant efficiencies**
 - Cost savings for consumers

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Overly narrow product market assumed

- Market is defined nation-wide
- Market includes energy drinks only, but excludes soda and even functional beverage alternatives
- Structure of national energy drink “market”:
 - 66% Thrive
 - 15% Fantasy’s Emerge
 - 7% Bom Dia
 - 4% Star/Astro
 - 2% Meta/ShaoLin-Zing
 - 1-2% Ever/Tilt
 - 4-5% Others

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Ease of Expansion

- Most competitors are producing well below capacity

	Capacity Utilization
Bom Dia	35%
Meta/S-Zing	33%
Star/Astro	92%
Ever/Tilt	53%

- Bom Dia sales rapidly increasing
- In addition, cost of expansion minimal – 5MM
- Competitors would supply any decrease in output by merging parties

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Ease of Entry: Cost of Entry

- Processing Plant
 - 15-25MM
- Production Line
 - 5-10MM
- Timely entry – about 6-9 months from inception to production
- Numerous companies that can enter quickly (e.g., Pangea Beverages)

Fantasy entered in 8 months, at a total cost of 25MM!

11

Ease of Entry: Market Penetration

- ❖ Consumers have demonstrated willingness to switch between products
 - Sports drink share of functional bev sales has decreased w/ rise of energy drinks
 - Switch from sodas and sports drinks to energy
 - Speedy penetration of emerge and Bom Dia
 - Emerge – captured 15% of energy sales in first year!
 - Bom Dia – captured 7% of energy sales in first nine months!

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Strong Buyer Power

Retail stores do not accept price increases

- ❖ Highly concentrated: Top 4 convenience chains have more than 70% market share
- ❖ Battle for shelf space: Suppliers even have to pay fees for shelf space
- ❖ Stores would de-list supplier when attempting to raise prices
- ❖ Trend towards private labels: threaten to replace external supplier by own private label when not supplying at low prices

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Significant Efficiencies

- ❖ Savings estimated at over 60MM per annum!
 - Savings from:
 - ✓ Increased production utilization
 - ✓ Reduced purchasing costs
 - ✓ Elimination of overhead
 - ✓ Reduced payments for promotions
 - ✓ More efficient utilization of branches
 - ✓ Reduced shipping costs due to more optimal route structure

Cost Savings will be passed on to consumers leading to lower prices

14

Exercise 1: Critical Review of Arguments in the Slides (30-40 minutes)

- Moderators should lead the table through a discussion of the primary arguments raised by the parties, with a focus on the presentation just received. Please encourage the participants to bring into the discussion all evidence learned to date.
- The four issues raised by the presentation are product market, entry, buyer power, and efficiencies. Ask generally about each, and then use the specific issues raised by specific slides below. Feel free to skip around and explore the topics to different degrees if of interest to the table.
- The table facilitator should briefly explain that the session is about critically analysing the parties' arguments on product market definition, entry/expansion, buyer power and efficiencies. The aim is to identify missing pieces of the analysis. Participants should assume that the facts claimed by Economists R Us are in principle correct.
 - Participants should focus on whether the Economists R Us conclusions can already be drawn from these facts.
 - Participants should discuss which additional aspects need to be investigated in order to make the analysis of these factors complete. (One or more participants at the table should be asked to take notes, to facilitate completion of the follow-up exercise.)
 - Note, given the limited time, not all slides and issues need to be covered in this session.

Issue 1. Ask the table: What reactions do you have to the parties arguments on product market?

Start with Slides 4-6 set the argument that the proper market definition is “functional beverages.” Earlier workshop discussions addressed product market, so no need to spend too much time on it, but get reactions to the parties' arguments as made in the presentation.

- **Slide 5:** How should we evaluate a claim of close substitution? Are there sufficient alternatives for the particular consumers of Thrive and Emerge to turn to in the event of a price increase? Is a claim of similar functionality enough to convince you of product market?
- What kind of evidence would be relevant and where to find it? (customer views, market intelligence documents, internal documents of the parties, etc...)
- **Slide 6** appears to show market share gains by energy drinks at the expense of sports drinks. But is the chart compelling evidence for customer preferences and switching or is it a simple demonstration that energy drink sales have risen faster than other drinks?

Issue 2. Ask the table: What reactions do you have to the parties arguments on entry and expansion?

- **Slide 10:** *Supported by questions from the facilitator, the participants may be able to identify the following missing pieces of the analysis:*
 - * The capacity utilization figures seem to refer to the capacity utilization of the production lines. However, expansion may be difficult due to other constraints.
 - * Some of the competitors may so far operate only or primarily on a regional basis; maybe the transportation costs to other regions are too high?
 - * The competitors may not yet have “shelf access” which is necessary to expand sales.
 - * It is unclear what the “expansion cost” numbers refer to. To which quantity/capacity increase does this figure refer? What types of costs does this include, e.g. investment in additional production lines, additional transportation costs, shelf access costs? Expansion cost alone is not very meaningful, what ultimately matters is whether expansion would be profitable for competitors.
 - * That Bom Dia sales have increased does not necessarily mean that further increase will be likely and - without further insight - does not prove that Bom Dia would defeat potential Fantasy/Just Energy price increases.
 - * **Overall:** The relevant question is whether the competitors are likely to expand sales/capacities on a sufficient scale as a reaction to potential price increases / output decreases by Fantasy/Just Energy.
- **Slide 11:** *Supported by questions from the moderator, the participants may be able to identify the following missing pieces of the analysis:*
 - *The fact that Emerge entered in 8 months at a total cost of 25 MM does not necessarily mean that other potential competitors could do the same.
 - * Likelihood of entry: Factors such as access to production know-how or store shelves may constrain the likelihood/ability of other companies to enter the market.
 - * Industry rumors about potential entry by Pangea Foods are only rumors. Further investigation needed whether they are likely to enter the market (Do they have concrete plans? Would entry be profitable for them?). Also, on which scale will they enter?
- **Slide 12:** *Supported by questions from the moderator, the participants may be able to identify the following missing pieces of the analysis:*

- * The fact that the share of other functional beverages decreases in an assumed “functional beverages” market seems to be driven by the rapid increase of energy drink sales. This does therefore not tell much about consumers’ willingness to switch.
- * Similarly, “successful” entry by Emerge and Bom Dia in a growing market does not necessarily mean that customers have switched.
- * More direct evidence on consumers’ switching behaviour between different energy brands would be needed.

Issue 3. Ask the table: What reactions do you have to the parties arguments on buyer power?

- **Slide 13:** *Supported by questions from the moderator, the participants may be able to identify the following missing pieces of the analysis:*
 - * A high concentration of retail store chains is no sufficient proof of buyer power. Instead, it should be analyzed whether the stores are able and have the incentives to constrain the energy drink suppliers sufficiently.
 - * Ability: Do the consumers request specific energy drink brands? E.g. is Thrive a “must-carry” brand for stores? Is the threat to de-list Thrive/Emerge credible or might this only be a threat to the other competitors? To what extent can the chains influence the purchasing decision made by consumers?
 - * Incentives: More information on the stores’ incentives are needed, e.g. they may not be interested in low end-consumer prices of beverages, because monopoly profits may be shared between stores and Emerge/Thrive.
 - * The fact that suppliers have to pay “shelf space fees” does not tell anything about buyer power. It only shows that stores have a preference to deal with suppliers that generate a relatively high turnover.
 - * The private label argument pertains mainly to entry analysis, not so much to buyer power. Private labels may be rather a substitute for non-branded / lower-priced energy drinks, not so much for branded / higher-priced drinks like Emerge and Thrive, so that the threat might not be credible.

General questions:

- Ability: Do the consumers request specific energy drink brands? E.g. is Thrive a “must-carry” brand for stores? Is the threat to de-list Thrive/Emerge credible or might this only be a threat to the other competitors? To what extent can the chains influence the purchasing decision made by consumers?

- Incentive: More information on the stores' incentives are needed, e.g. they may not be interested in low end-consumer prices of beverages, because monopoly profits may be shared between stores and Emerge/Thrive.

Issue 4. Ask the table: What reactions do you have to the parties arguments on efficiencies?

- **Slide 14:** *Supported by questions from the moderator, the participants may be able to identify the following missing pieces of the analysis:*
 - * Only variable cost reductions are likely to be passed on to consumers. It is unclear which of the items listed would reduce variable costs. Also no quantification is provided for the marginal cost reductions.
 - * The cost saving estimate relies on a rough internal lump-sum estimate. Much more detail/evidence is needed to make the estimate credible, e.g. the factors listed should be quantified on an item-by-item basis.
 - * It is unclear whether some of the savings could also be realized without the merger and/or through other means of cooperation.

General questions:

- The initial Fantasy projections for efficiencies lack much detail. Despite the lack of initial detail, what efficiencies may merit closer consideration?
- What sources of information should the agency pursue to improve the reliability of information on efficiency claims? (Perhaps information from Fantasy's past mergers; cost information from similar large competitors)

Exercise 2: What would you do in response to this presentation (10 minutes)?

What further information does the case team require and from whom to enable them to test the parties' assertions?

- What evidence was missing?
- Would you interview further or ask for more internal documents to find the "right" answer?
- What documentary evidence might you request to back up the statements made?
- What economic analysis could aid your assessment?

Wrap Up – Stocktaking (10 minutes)

Facilitator asks participants - where are you at in the investigation now?

- What are the top 3 factors in favor of bringing a case?
- What weaknesses are there in the investigation that concerns you? How would you resolve them?
- What is your recommendation – continue with the investigation? Have the parties convinced you to close or narrow the investigation?
- Do you think this transaction needs a remedy?

TABLE TALK #4 REMEDIES SESSIONS

3:00 Presentation: Effective Remedies

The object of a merger remedy is to restore the competition lost (or to maintain the competition that would be lost) because of the transaction. For some mergers, the likely harm to competition can only be prevented by an outright prohibition of the transaction. In other situations, however, appropriate modifications or conditions can resolve the competitive concerns while still allowing the merger to proceed. This session will focus on the latter situation, including: (a) what assets should be divested; (b) who is an appropriate buyer for the assets; (c) what is an appropriate time period for the sale; and (d) what post-divestiture relationships may exist between the seller and the buyer of the assets.

Presenter: Jose-Maria Carpi-Badia, DG Comp

3:25 Presentation of the Remedy Proposal

The parties (represented by Joaquim Caimoto Duarte, Uria, Menendez, Portugal) present a remedy proposal for the merger under investigation.

3:30 Table Talk #4 - Evaluating the remedy proposal and Cooperation (generally and in the design of remedies, particularly)

Exercise 1 (15 minutes) - Evaluation and analysis of the remedy proposal.

Exercise 2 (20 minutes)

- 1) Market testing the proposal**
- 2) Identifying what would be an effective remedy.**

Cooperation Discussion (time permitting - 10 minutes)

Wrap Up (15 minutes)

4:30 Closing Session

TABLE TALK #4 DISCUSSIONS

The Table Talk session is designed to follow the process of remedy consideration. Delegates consider the merging parties' proposal, responses from market testing, decide upon the chosen remedy, and identify implementation considerations. Additional material/evidence will be handed out for the session (Remedy Supplement).

GOALS: The delegates will explore how to:

- Determine an appropriate remedy
- Evaluate a proposed divestiture package (including market testing)
- Evaluate a suitable purchaser of a divestiture package
- Devise safeguards to ensure successful divestiture and appropriate implementation
- Consider when and how to cooperate with other agencies in the design of remedies

This will include:-

Evaluation and analysis - discussion at each table of the Fantasy proposal. At the end of the exercise the delegates will turn to findings from the market testing exercise in anticipation of the next exercise.

Reviewing the results of the market testing – Delegates discuss and reach a conclusion on a suitable purchaser and identify particular issues associated with the implementation, including consideration of a requirement for an upfront buyer.

Wrap-up session – Tables report back, key points for consideration and issues raised in the discussion.

Exercise 1 – (15 minutes)

Evaluation and analysis of remedies proposal

In this session, the delegates will:-

- Identify risks and areas in which the Fantasy proposal provides a less than satisfactory solution:
- Bear in mind in particular: 2016 Merger Remedies Guide:
<http://www.internationalcompetitionnetwork.org/uploads/library/doc1082.pdf>

(a) *"To be effective, remedies must resolve the competition concerns the merger gives rise to so that competition can be maintained or restored in the markets affected by the merger. Therefore, competition authorities should require a merger remedy that is directed at and proportionate to ("tailored to") addressing the competitive harm."*(Merger Remedies Guide 2.2 Tailored to Harm)

(b) *"Inherent in accepting any remedy is a degree of risk to the competition authority's goal of maintaining or restoring competition, whether related to the remedy package, the purchaser in a divestiture, the characteristics and dynamics of the market or the remedy implementation. The major risks to the competition authority include the following:*

- *Package or Composition Risk relates to the adequacy of the business or assets to be divested in a structural remedy and/or the conditions and prohibitions set out in a non-structural remedy (to circumscribe the conduct of the merged entity) to address*

the likely competitive harm that has been identified. This also relates to the risk that the business or assets to be divested in a structural remedy may deteriorate significantly prior to divestiture.

- *Purchaser Risk relates to identifying an appropriate purchaser of the business or assets to be divested in a structural remedy.*
 - *Implementation Risk relates to the potential failure of effectively implementing the remedy, by fault of the merging parties or other market forces. This includes risks associated with circumvention, monitoring and distortion."(Merger Remedies Guide 2.3 Effectiveness (iv))*
- It should also be noted that merging firms may have significant incentives to undermine the future competitive impact of divestitures, thus increasing potential risks.

For table talk facilitators: Points to note/raise in the Exercise 1 discussion are:-

(a) Reinforce objective of remedy is to restore or maintain competition - advantages of structural remedy. Recommended practice is that remedies should not require significant intervention by the agency. Preference for sale of stand-alone business.

(b) Recommended prospective purchaser should be viable and a credible long term competitor in the market in which the competitive harm was identified

Exercise 1 Questions:

Ask the group: Does the proposal properly address the competitive concerns?

Point the group to the composition of the Fantasy Proposal: namely the sale of “substantially all the Emerge Business”. The Fantasy proposal specifically identifies:-

- production plant – (raising practical issues re separation/divestment. re ongoing contact)
- raw materials, final products
- dedicated distribution vehicles
- assignment of Emerge retail and wholesale contracts (raising practical issues re exchange of business information as well as handling customers. Note that Emerge will continue to have a relationship with customers of divested business)
- licensing of patents, trademarks and production formulae for sales related annual fee

Ask the group: What potential does this package have for composition risk? Focusing the discussion on:

Divestiture package: scope

- Principle that all assets needed for the viability and competitiveness of Emerge business have to be included, as there may be assets that are not predominately used for the Emerge business, but nevertheless essential to it. On top, there may be separation issues. Other potentially required assets: packaging plants, warehouses, know-how, personnel, pipeline projects (e.g. new flavours, packaging, etc.), customer records, agreements with suppliers, transitional technical support/training, transitional back-office support (IT, HR, accountancy, etc.).
- Regarding the assignment of Emerge retail and wholesale contracts, it should also be checked whether those contracts contain change of control clauses.
- Regarding the licensing of patents, trademarks and production formulae for sales related annual fee, a transfer of this IP is generally preferable in view of ensuring the independence of the divestment business. If need be, there could be a license back to the merged entity for IP that is also used by the merged entity. Any licence would normally have to be exclusive without any field-of-use/ geographic restrictions.

Ongoing relationship between Emerge and Star Bev as envisaged in the proposal:-

Interim transport arrangement

- To be checked whether there is a need to include distribution assets into the package. If not, there is a need to ensure that the purchaser will be able to distribute Emerge (e.g. by way of respective purchaser approval criteria).
- Interim Agreement at cost rather than at agreed marginal rates?
- Interim transport agreement to be terminated within a set period of time with no possibility to renew it.

Interim capacity arrangement

- To be checked whether the divestment business will be able to produce at competitive conditions given that there appears to be joint production of bottled water and Emerge right now. So there is a risk that the divestment business will lack sufficient scale to produce at the current production cost.
- Need to make sure the divestiture business includes sufficient capacity and doesn't require sharing of production plants beyond the transitional period.
- To specify terms for such an agreement (e.g. "at cost").
- Interim capacity agreement needs to be terminated within a set period of time with no possibility or renewal.

Annual fee for production formula

- May limit the incentive to compete aggressively and increase transparency.

Consideration

Fantasy proposes an element of the consideration be based upon sales during the first 24 month period following the divestment. What might these connections imply for the success of the divestiture?

- The price structure should not have any impact on the divestment business' incentive to compete. Therefore, the suggested earn-out has to be questioned, as the divestment business has to pay more if it competes harder and achieves more sales in the first 24 months.

The Fantasy Proposal also prompts delegates to consider the remedy in the light of the efficiency arguments.

Suitable purchaser?

Ask the group: Any reflections on Star as a suitable purchaser at this stage prior to the market test?

Star Bev as a suitable purchaser – the Proposal refers to the purchaser having access to finance and having the reputation for producing high quality products. However, Star is a new entrant/small player and Star's ability as a competitor should be considered.

At end of group exercise, table talk facilitators will direct the group to new information received following market testing exercise (notes of meetings by Competition Authority with Star Bev, Pangea and Super Convenience).

Exercise 2 (20 minutes)

Using the new information received, identify the points for consideration regarding the suitability of Star and the divestiture package.

- 1) Market testing the proposal; and
- 2) Identifying what would be an effective remedy.

Issue 1) Market testing the proposal

Table talk facilitators should explain to the delegates at their table that, in this exercise, they should:-

- Evaluate responses received from a competitor, a potential purchaser and a customer-

- Conclude on whether Star is a suitable purchaser

Bear in mind that the ICN 2016 Merger Remedies Guide advocates that transparency and consistency in the design and implementation of remedies reinforce the fairness, legitimacy and effectiveness of remedies. To achieve these goals, competition authorities should be open and transparent with respect to both procedural and substantive considerations during the remedy process, subject to preserving confidentiality (see point 2.4 Transparency and Consistency).

Pursuant to the ICN 2016 Merger Remedies Guide, while additional specific purchaser criteria may be required by competition authorities depending on the case in question, the main requirements for suitable purchasers include the following:

(a) Financial Capability: A proposed purchaser must show that it has sufficient financial resources to purchase the divested business, to make the necessary investments to ensure the divested business is a viable and effective competitive force in the market, and be committed to remaining in the market.

(b) Managerial Expertise: A proposed purchaser must show it has or will have the managerial expertise to run the divested business.

(c) Operational Capability: A proposed purchaser must show it has or will have the resources it needs to run the divested business. Detailed information about the proposed purchaser's own assets and operations will be particularly relevant when the divestiture package is comprised of less than an existing standalone business.

(d) Independence: To compete effectively post-divestiture, a proposed purchaser must show it will be independent of the merging parties and that there are no significant post-merger connections, such as financial ties to the merged firm. When a continuing relationship with the seller cannot be avoided due to the need for transitional agreements, competition authorities should seek to minimize the duration of the arrangements and consider requiring independent monitoring. A purchaser that requires seller financing may not be financially sound and is unlikely to be regarded as an effective competitor independent of the seller.

(e) Intention to Compete: Related to the need for independence, the proposed purchaser will need to show it has sufficient ability and intentions to compete vigorously with the merging parties. If a potential purchaser intends to sell off parts of a divested business or use the divested assets for purposes other than to compete in the market(s) affected by the merger, then the divestiture will likely not be effective.

(f) Not raise competition issues: Having analysed the market under the proposed transaction, the competition authority should apply its investigative learning and skills to evaluate the potential competitive impact of the divestiture. Divestiture to an already significant competitor may itself raise competition concerns and not be effective in maintaining or restoring the competition lost as a result of the merger. On the other hand,

divestiture to a significant existing player may mean that the divested assets go to an experienced company with knowledge and expertise of the relevant market.

Fantasy is in advanced negotiations with StarBrev that is already present in the energy drinks market with a market share of roughly 4%, but facing capacity constraints. According to a third party Pangea, StarBrev also had limited relationships with the retail sector, negatively impacting its distribution capacity. StarBrev itself reports not having much experience with mergers. In the view of the third party Super C, a large, national convenience store chain, StarBrev is not a suitable purchaser for the divestment business:

"SuperC was surprised by Fantasy's proposal to divest Emerge. In particular, SuperC was puzzled to learn Star was the proposed purchaser. Emerge's major strength in SuperC's opinion was its linkage to Fantasy's bottled water offerings and logistics. If this was true, divestiture of this linkage would be broken and it was hard to see how Emerge would prosper. If Star continued to use Emerge's logistics and joint production facilities it was equally hard to see that Star would then be a truly independent competitor. MH felt that Star management were basically energy drink enthusiasts and lacked the management expertise to be serious mainstream suppliers to the mass retail sector. There were similarities with MetaBev, which SuperC had phased out. MH also considered that a purchase of Emerge would leave Star seriously stretched financially and this would impact the competitiveness of the Emerge brand."

An alternative purchaser might be Pangea, an international supplier of food, beverage and health products with a very good distribution network, has, in the past, shown interest in entering the sector by acquiring StarBrev.

To be discussed whether there is a need for an upfront requirement. Indeed, there are doubts as to the suitability of StarBrev as a purchaser given its limited size, lack of experience in integrating another firm and lack of a good distribution network, which was identified by SuperC as its major limitation. However, if it can be ascertained that Pangea is an alternative purchaser, it may not be necessary to insist on an upfront solution.

Ask the group: What issues does the meeting with Star Beverages raise?

- Reinforces that Emerge is keen to sell to Star
- Star is a keen purchaser. It identifies benefits to its distribution. [though this confirms belief that the distribution infrastructure is a weakness in Star Bev's business]
- Reinforces that there is a composition risk as Star points out that "certain assets were used jointly for different beverages (e.g. production buildings, packaging plants and loading docks.) and Star's rights of access and usage needed to be agreed in detail"
- Star does not consider the licensing of IP rights is a high requirement - while this suggests that the practical issues associated with licensing IP may be avoided, Star's comments could be further evidence of lack of consideration by Star. In this context, it could also be checked

whether Star's strategy to replace the Emerge formulation with Star's own formulation over a transitional period will have any impact on the competitiveness of the divestment business.

- There are several references to lack of proper consideration of the package and consequences by Star of the proposal suggesting that Star may not be a suitable purchaser: Star has acknowledged that it wishes to acquire the business to be able to compete with larger players in the market
- Star confirms it has been adversely affected by the launch of Bom Dia, further calling into doubt Star's viability.
- Star is a potential target that might facilitate entry by Pangea or others.
 - Remember Pangea may have a particular interest to advance.

Ask the group: What issues does the meeting with Pangea raise?

- Difficulties of market entry (recipe, constraints in shelf space)
- Confirmation of Pangea's interest in entering – including acquisition of Just Energy
- Strengths of Pangea's business (strong supply chain, market position in beverages)
- Comparative weakness /strength of Emerge vs Just Energy!
- Viability of Star v Pangea

Note: The meeting with Super raises further issues regarding Star's suitability but may also indicate the type of purchaser that may be a more suitable purchaser. [i.e. strong distribution capabilities, product range and promotional capabilities, competitive costs, independence (e.g. own production facilities), expertise in the mass retail sector, financial resources]

Other points for table talk facilitators to note from responses to market testing are:-

(a) merits of market testing - methods. (Recommended practice is to consult appropriate third parties on effectiveness of the remedy. Consider the contribution of competitors, potential entrants and customers. However beware of the likely bias of responses.)

(b) transparent framework during remedy consideration (i.e. to merging parties) allowing sufficient time for competition agency and merging parties to discuss and evaluate suitable remedies.

Issue 2) Effective Remedy and Implementation - Description

Table talk facilitators should explain to the delegates at their table that in this exercise they should:

- Identify which business would be a suitable purchaser for the package and obstacles to effective implementation – (degradation of competitive capacity, carve out issues, continuing links with divestor)
- Explore measures to overcome these obstacles – (hold separate commitments, use of monitoring/divestiture trustee, up front buyer, specifying carve out assets in detail).

Bear in mind ICN Recommended Practice C –“Procedures and practices should be established to ensure that remedies are effective and easily administrable” and D “Appropriate means should be provided to ensure implementation, monitoring of compliance, and enforcement of the remedy”

Exercise 2 questions. As needed, Table talk facilitators may invite delegates to identify appropriate purchasers and issues for consideration with implementation.

Potential questions:

- **Which business/es (or kind of firms) are likely to be suitable purchasers? (A substantial purchaser with strong existing links and delivery capability to the retail sector would overcome many of the issues affecting the suitability of Star)**
- **How could we reduce the risks of an ineffective carve out of the Emerge business? [e.g. to increase the scope of the divestment business and make sure it goes to a suitable buyer]**
- **Are risks sufficient for agency to insist on up front buyer? [Suitability of Star poses questions. Pangea seems to have capabilities (to be verified) but not clear whether it wants to buy the divestment business]**
- **What would be the appropriate length of the divestiture period? [e.g. in the practice of the European Commission, we often consider 6 months (first divestiture period) + 3 months ("fire sale") + 3 months (closing) = 1 year max]**

Points to note:-

(a) Preservation and hold separate measures to maintain the competitive potential of the assets to be invested. Use of trustees.

(b) Agency needs to be able to investigate implementation (e.g. degree of customers willing to transfer business to purchaser)

(c) Need for mechanism to allow adjustment if change of circumstances

(d) Links to Fantasy (e.g., on transport and joint production assets) should be transitional rather than continuing.

(e) Involvement of competition agency/third party to resolve future disputes between parties

Cooperation Discussion (10 minutes, time permitting)

The ICN's Practical Guide to International Enforcement Cooperation in Mergers, suggests that it may be helpful if agencies communicate on:

- i. the anticipated type of remedies (such as a divestiture);*
- ii. the potential scope of remedies (such as the divestment of a standalone business as well as the scope and duration of any transitional arrangements between the merged entity and the divestment business);*
- iii. other anticipated issues related to the design of remedies, such as viability of the business proposed for divestiture and/or implementation risks (such as risks relating to the identification of a suitable purchaser) and the manner in which such risks may be addressed;*
- iv. anticipated processes for implementation of the remedies (such as interim obligations for the preservation of the divestment business, the need for monitors/trustees and criteria for purchasers to be considered suitable); and*
- v. key timelines for implementation (such as the timeline for merging parties to propose a purchaser for the divestment business and to effect the divestiture).*

Potential Questions on cooperation:

- Has anyone at the table cooperated with another jurisdiction in the design of a remedy?
 - Ask for details on their experience. Was it with a waiver? What were the benefits/drawbacks of cooperation?
 - If not, why not?
- What can parties do to facilitate cooperation? From the party's perspective, is this reasonable?

Wrap-up session (15 minutes)

In this last part of the session, Josep asks for a show of hands from ALL of the Table Talk facilitators – what did your table conclude?

- **Is Star a suitable purchaser? [Raise hand if yes.]**
- **Is the divestiture package itself appropriate in the hands of another purchaser? [Raise hand if yes.]**
- **Ask for a volunteer to respond: Identify what would be a suitable purchaser for the package. Anyone have a different view?**
- **Ask for a volunteer to respond: Are there any obstacles to effective implementation? How can they be overcome?**

ICN P&I Workshop Feedback

1. Name (optional)

2. Breakout Room Number

Mark only one oval.

1

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15

3. To what extent were you able to achieve your objectives in participating in this workshop?

Mark only one oval.

1 2 3 4 5

Not Completely

QUALITY AND METHODOLOGY

Please rate the following aspects of the workshop:

4. 1. Usefulness of the hypothetical case study

Mark only one oval.

1 2 3 4 5

Not Very useful

5. Additional comments on the hypothetical case study

6. 2. Usefulness of ITOD video modules

Mark only one oval.

1 2 3 4 5

Not Very Useful

7. Additional comments on ITOD video modules

8. 3. Usefulness of lectures/presentations

Mark only one oval.

1 2 3 4 5

Not Very useful

9. Additional comments on usefulness of lectures/presentations

10. 4. Opportunities for discussion and participation

Mark only one oval.

1 2 3 4 5

Uns: Very satisfactory

11. Additional comments on discussion and participation

12. 5. Usefulness of the homework

Mark only one oval.

1 2 3 4 5

Not Very useful

13. 6. Usefulness of the investigative plan

Mark only one oval.

1 2 3 4 5

Not Very useful

14. Additional comments about homework and investigative plan

WORKSHOP CONTENT

Please evaluate the following

15. 1. What was the most valuable part of the workshop for you?

16. 2. How has the workshop better equipped you to perform your casework?

17. 3. What was the least valuable part of the workshop for you?

ICN WORK PRODUCTS

18. Has the workshop improved your awareness of ICN work products?

Mark only one oval.

Yes

No

19. How much did the Workshop improve your awareness of the ICN work products?

Mark only one oval.

1 2 3 4 5

Not Completely

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Google Forms

2012 ICN Cartel Workshop

Outline of Moderator's role

Set out below is a brief outline of the Moderator's role for the panel and breakout sessions.

Moderator of panel session

The Moderator of a panel session has the role of facilitating and guiding the panel discussion. In particular, the Moderator of the panel will typically:

- introduce the topic;
- introduce the speakers;
- manage the transition between speakers;
- draw the discussion together by providing input/comment at intervals where appropriate;
- provide some concluding remarks;
- ensure that each speaker is given adequate time to speak;
- ensure that the panel runs according to schedule and finishes on time; and
- facilitate any questions/comments from the audience.

The Moderator will also generally be responsible for organising the panel to ensure that panel members are prepared prior to the Workshop. This will typically involve:

- initiating contact with the speakers and being the main contact point;
- arranging teleconferences with the speakers to discuss and reach consensus on topics, the order of speakers, panel format/style (e.g. question & answer or presentation style), time allocations, use of materials such as handouts and power-points etc;
- ensuring that materials, if any, are submitted to the host agency in time with the deadlines; and
- provide progress updates during SG 2 calls.

Moderator of breakout session

Each breakout session has two Moderators. The Moderators of a breakout session have the role of facilitating participants' discussion of the breakout session topic. Moderators will typically:

- give a brief overview of the topic and issues;
- guide the discussion by seeking responses/comments on questions/issues;
- ensure session participants have the opportunity to comment and ask questions;
- be prepared to comment on some of the issues in case there are gaps in the discussion; ensure the session does not run overtime;
- conclude the session by giving a brief summary of the main points arising from the discussion;
- prepare a written summary record of the main points raised in the session; and
- identify a resource person to take notes during the breakout session if needed (to assist with the creation of the written summary).

Prior to the Workshop, Moderators should prepare topics/questions in advance with others who are moderating sessions on the same topic (and perhaps select one spokesperson to coordinate and provide updates to SG 2).

From: ICN Merger WorkshopMX

To:

[Lagdameo, Cynthia](#); [O'Brien, Paul](#); [Carolina Garayzar](#); [Ivonne M. Santillan Garcia](#); [Omar Quiroga](#)
ICN Merger Workshop
[image004.jpg](#)
[HANDOUTS DAY 1 Table Talk.docx](#)
[Agenda ICN Merger Workshop dec 7.pdf](#)

Cc:

Subject:

Attachments:

**** Para leer este correo en español, favor de ir al final del mensaje en inglés ****



Dear ICN Merger Workshop Participants,

We look forward to welcoming you next week to Mexico City. You will be joined by nearly 100 other ICN members and non-governmental advisors from close to 30 jurisdictions. We offer the following tips and advice to help make your trip go more smoothly and our time at the workshop more effective.

Weather – the temperature is expected to range between 3 degrees Celsius at night to a high of 22 during the day, with mostly sunny skies.

Hydrate - Mexico City is at an elevation of 2,250 m. Please drink plenty of water a few days prior and throughout the duration of your trip.

Airport Taxis - Upon deplaning, follow the signs for Immigration and Aduanas (Customs). Hold on to the paperwork, you will need it when you leave the country. If you are in Terminal 1, the Taxi booths are outside to your right and in Terminal 2 they are straight ahead. At the booth, provide the name of your hotel. You will pay in advance for the taxi and will be given a ticket/receipt. Expect to pay

approximately 200 MX Pesos (which you can pay with Credit Card or with pesos - an ATM is available around the corner from the Taxi Stands; they will not accept foreign currency). Take the ticket, walk out the doors towards the pick-up/drop off area (you can ask for directions at Taxi booths). Get in line, the Taxi attendant will meet you, check for a ticket, and direct you towards a taxi. Give the ticket to your taxi driver. If you tip your taxi, 20 pesos should be enough.

Dress Code – be sure to bring a warm jacket for the early morning walk from your hotel to the workshop. At the workshop, the dress will be business casual. Please consider that the venue is a rather cold building. Click [here](#) for pictures of employees wearing business casual to work).

Venue – the workshop will take place at the Interactive Museum of Economics ([MIDE](#)) located at Calle de Tacuba 17, Colonia Centro Histórico, Delegación Cuauhtémoc in Mexico City.

Agenda - attached is the workshop agenda. The workshop begins at 8:45am on 12 December with opening remarks by Alejandra Palacios Prieto, President, COFECE. Registration is open as of 8:00 a.m. Please plan to arrive no later than 8:30am so that we may begin on time.

Hypothetical - Please read the previously circulated hypothetical materials in advance of the workshop – it includes the filings notifying Fantasy Beverage Co’s proposed acquisition of 100% of the voting securities of Just Energy, Inc. The hypothetical will serve as the basis for the “table talk” discussion over the two-day workshop. Additional documents will be distributed at the workshop. If you need another copy of the hypothetical, please email icnmergerworkshopmx@cofece.mx.

Table Talk Discussions – interactive small group breakout sessions will take place in the same room as the plenary presentations. The room will have about 10 tables with 8 to 10 participants seated at each table. We’ve assigned two facilitators to each table – one for the first day and one for the second day. We ask that once you take your seat at a table, you remain at the same table for the duration of the 2 day program. The facilitators are there to help guide the discussion, but we’re really looking to all of you to join in on the discussion.

Spanish Translations – the plenary presentations will be simultaneously translated into Spanish. The discussion at a few of the tables will be in Spanish. If you would like to join a Spanish speaking table discussion, please email icnmergerworkshopmx@cofece.mx to let us know in advance of the workshop.

Participant Guide - If you would like to get a head start on planning your investigation, we are attaching a participant guide to the first day of the workshop – covering investigation planning (TT#1), requests for documents and data (TT#2, part 1), and interview skills (TT#2, part 2). The guide describes the exercises for the day 1 table talk sessions and includes questions to help focus your investigation, as well as the handouts that will be used.

Social Events - In addition to the activities during the Merger Workshop, the Interactive Museum of Economics will host a couple of social events for the attendees.

Cocktail – At the historic facilities of the Interactive Museum of Economics. Tuesday, December 12

at 6 pm. It will be an opportunity to share experiences and comments, as well as relax after a day's work.

Nocturnal guided tour and activities at the Interactive Museum of Economics. Wednesday, December 13 at 6 pm. Attendees will get to know the innovative activities of the award-winning museum and its historic facilities.

Best regards,

The 2017 Merger Workshop Team

icnmergerworkshop.mx

icnmergerworkshopmx@cofece.mx



Estimados participantes en el Taller de Concentraciones,

Esperamos darle la bienvenida la próxima semana en la Ciudad de México. Se le unirán cerca de otros 100 miembros del ICN y expertos no gubernamentales de cerca de 30 jurisdicciones. Ofrecemos los siguientes consejos para ayudar a que su viaje sea más placentero y el tiempo en el taller sea más efectivo:

Clima – se espera que la temperatura oscile entre 3 grados Celsius por la noche y un máximo de 22 durante el día, con cielos mayormente despejados.

Hidrátese – La Ciudad de México se encuentra a una altura de 2,250m sobre el nivel del mar. Por favor, beba suficientes líquidos unos días antes y durante todo el viaje.

Taxis en el aeropuerto: al aterrizar, siga las indicaciones hacia Migración y Aduanas. Asegúrese de guardar la documentación que le entreguen, la necesitará cuando salga del país. Si se encuentra en la Terminal 1, los sitios de Taxi se encuentran a la derecha, y en la Terminal 2 están en línea recta. En el *stand*, proporcione el nombre de su hotel. Pagará por adelantado el taxi y recibirá un *ticket* / recibo. Espere pagar aproximadamente 200 pesos mexicanos (que puede cubrir con tarjeta de crédito o con pesos: un cajero automático está disponible a la vuelta de la esquina de los sitios de taxis; no aceptan divisas extranjeras). Tome el boleto, salga por las puertas hacia el área de abordaje (puede solicitar indicaciones en los sitios de taxis). Haga cola, el personal del sitio lo recibirá, entregará un boleto / ticket y lo dirigirá hacia un taxi. Entregue el boleto /ticket a su taxista. Si decide dar propina, 20 pesos mexicanos deberían ser suficientes.

Código de vestimenta - asegúrese de llevar una chaqueta / chamarra abrigadora para la caminata matutina desde su hotel hasta el taller. En el taller, la vestimenta será casual de negocios. Tenga en cuenta que el lugar es un edificio bastante frío. (Haga [clic aquí](#) para ver fotos de personas que usan ropa casual de negocios para trabajar).

Sede - el taller tendrá lugar en el Museo Interactivo de Economía ([MIDE](#)), ubicado en la Calle de Tacuba 17, Colonia Centro Histórico, Delegación Cuauhtémoc en la Ciudad de México.

Agenda - adjunta encontrará la agenda del taller. El taller comienza a las 8:45am. del 12 de diciembre, con las palabras de apertura de Alejandra Palacios Prieto, Comisionada Presidenta de la COFECE. El registro en sitio estará abierto a partir de las 8:00 a.m. Planifique su llegada antes de las 8: 30 am. para que podamos comenzar a tiempo.

Caso Hipotético – Por favor lea los materiales hipotéticos previamente circulados, antes del taller - incluye las notificaciones que avisan la adquisición propuesta por *Fantasy Beverage Co* del 100% de las acciones de *Just Energy, Inc.* El caso hipotético servirá como base para la las discusiones "conversación de mesa" durante los dos días del evento. Documentos adicionales serán distribuidos en el taller. Si necesita otra copia del caso hipotético, envíe un correo electrónico a icnmergerworkshopmx@cofece.mx.

Discusiones en la mesa – las sesiones interactivas en grupos pequeños se llevarán a cabo en el mismo lugar que las sesiones plenarias. La sala tendrá alrededor de 10 mesas con 8 a 10 participantes sentados en cada mesa. Hemos asignado dos facilitadores a cada mesa, una para el primer día y otra para el segundo día. Le pedimos que una vez que tome su asiento en una mesa, permanezca en la misma mesa durante el programa de 2 días. Los facilitadores están allí para ayudar a guiar la discusión, pero realmente esperamos que todos ustedes participen en la misma.

Traducción al español: las sesiones plenarias se traducirán simultáneamente al español. La discusión en algunas de las mesas será en español. Si desea unirse a una mesa de debate en español, envíe un correo electrónico a icnmergerworkshopmx@cofece.mx para informarnos con antelación.

Guía del participante - si desea comenzar a planificar su investigación de antemano, adjuntamos una guía para el participante del primer día del taller, que cubre la planificación de la investigación (TT#1), solicitudes de documentos y datos (TT#2, parte 1), y habilidades de entrevista (TT#2, parte 2). La guía describe los ejercicios para las sesiones de "discusiones en la mesa" del día 1, e incluye preguntas para ayudar a enfocar su investigación, así como los materiales que se utilizarán.

Eventos sociales - además de las actividades durante el Taller, el Museo Interactivo de Economía albergará un par de eventos sociales para los asistentes:

Cóctel - en las instalaciones históricas del Museo Interactivo de Economía. Martes, 12 de diciembre a las 6:00 pm. Será una oportunidad para compartir experiencias y comentarios, así como para relajarse después de un día de trabajo.

Visita guiada nocturna y actividades en el Museo Interactivo de Economía. Miércoles, 13 de

diciembre a las 6:00 pm. Los asistentes conocerán las actividades innovadoras del laureado museo y sus instalaciones históricas

Cordiales saludos,

The 2017 Merger Workshop Team

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INTERNATIONAL COMPETITION NETWORK

Chapter 6

Program Planning Guide

Program Planning - Working Group Sessions

WG plenary sessions should be designed to generate a lively, interactive discussion among panelists. Breakout sessions should allow members and NGAs to share their experiences in a small group setting that encourages questions and discussion. Truth in advertising - Most importantly, WGs need to figure out what they want to achieve in plenary and breakout sessions, promote the session for what it is, and make sure the session leaders deliver what is promised.

1. Plenary Session Topics

As a first step, working groups determine their **proposed topic** for plenary discussion.

- Consider first the WG's key work product for the year and whether any is suitable to present in plenary and/or discuss in breakout sessions, identifying issues arising out of the group's work product as the year progresses.
- Solicit ideas from members and NGAs on a working group call, by email, and at the prior year's annual conference.
- Include in workshop evaluation forms a question soliciting ideas for topics for working group programs.

In considering the topic for discussion, working group co-chairs **consider the objectives** of the sessions. Is it to?

- Promote or explain the group's work product
- Provide additional input on open or contentious issues
- Share experience
- Teach or deepen understanding of particular issues
- Promote convergence on substance or procedure

Discuss with the moderator and speakers inter alia: What is the panel's "take away" or message? What practical advice do you want to convey?

2. Format

Once a topic is selected, consider the best format to achieve the stated objectives and convey the panel's "take away" or message. In both plenary and breakout sessions, controversial and interactive (interaction among panelists; interaction with the audience in BOS) discussions are more attractive for the audience. Possible formats include:

- Case studies and practical examples
- Discussion of recent empirical research
- Hot topics

- Debate propositions / Controversial statements
- Hypotheticals - Mock hearing, mock meeting, some sort of role play;
- Demonstrations
- Interview
- Issue spotting/problem solving
- Interactive panel discussions/moderated Q&A
- (Brief) initial presentation(s) followed by panel reaction and/or discussion; or
- Practical pointers/top 10 lists

3. PowerPoint Presentations

The plenary session format should be conducive to an interactive discussion among speakers. PowerPoint presentations should be used prudently to facilitate the understanding of the audience. Examples: stating propositions for a debate or setting the scene for an interactive discussion. In instances where a PowerPoint presentation may be helpful to understand the speaker's main points, the speaker should inform the moderator of its intended use.

4. Interaction with the Audience

WGs might consider ways to interact with the audience – such as using real time polling or other tools, or allocating a few minutes for a Q&A with the audience.

5. Breakout Sessions

In planning breakout sessions, consider the objectives of each breakout session. BOS traditionally were held to allow members and NGAs to share their experiences in a small group setting to encourage discussion.

Is the objective to encourage small group discussions or something else? Will some of the breakout sessions be more like mini plenary sessions that involve more presentations than open-discussion?

- The format of the BOS should encourage discussion and allow members and NGAs to share their experiences and ask questions in a small group setting. BOS typically are staffed with a moderator and resource persons to help facilitate discussion. The number of resource persons/facilitators will depend on the format of the session.
 - o As a general rule, any presentations by the moderator or resource persons should be limited to no more than 5 minutes.
- For example, a BOS could include table talk discussions in smaller groups that report back to the whole group. A short introduction to a topic or issue by the moderator or a resource person may be useful to stimulate the table talk discussions.

- No more than one of a WG's BOS may be structured like a mini-plenary session that involves more presentations than open discussion. In this type of session, time still should be reserved for questions and experience sharing. The moderator should reserve a minimum of 30 minutes for room discussion, and strive to integrate interactive discussion throughout the session.
- Panel diversity rules apply to BOS. The timing of submission of BOS moderators and resource persons should coincide, if possible, with registration cut off dates in order not to disadvantage late registrants. WGs should therefore consider reserving some BOS slots on some/all sessions for later registrations.
- Individual PowerPoint presentations are discouraged in BOS, except where they are used to facilitate discussion. For example, a PowerPoint can be used to present a hypothetical fact pattern and/or discussion questions. Consider also the use of a handout and circulating the handout in advance of the conference, which could be posted on the conference website or conference app.
- BOS may have restrictions on press (see ICN press policy) or NGA participation (though the latter involves significant logistical challenges and is disfavored). This should be indicated as early and as clearly as possible on the conference agenda. The organization of this type of session requires that **Conference Hosts** and WG Chairs ensure that no non-ICN Members are in the BOS room during the session.

6. Speaker Selection

WGs have discretion in selecting speakers but should coordinate with the other WGs and the SG to ensure diversity. The ACPC compiles an overall list of proposed BOS speakers, which is discussed in an ACPC call or WG chair call to resolve any overlaps and to ensure diversity before the proposed slate of speakers is submitted to the SG. Below are recommended practices to consider when selecting speakers.

- The composition of a plenary panel will depend on the format selected. As a general rule, a panel should have one moderator and no more than four speakers.
- The quality and experience of speakers has a significant impact on the success of the conference. Plenary panels should be gender-balanced and diverse in terms of geography and perspectives (e.g., members from younger jurisdictions, older agencies, academic NGAs, in-house counsel, economists, outside counsel, consumer organizations, etc.).
- WGs should consider speakers from around the world who would make a worthy contribution to the discussion, and not limit the pool of speakers just to those that have already registered for the conference. Consideration also should be given to members and NGAs who have made a significant contribution to the ICN, including development of work product presented at the conference.

- Any individual should have only one speaking role on a WG plenary panel. This rule does not apply to opening/closing sessions or other types of special speaking roles.
- In order to promote a wide variety of voices in plenary sessions, ICN members, hosts, WGs, and the ACPC should limit the number of speakers from the same entity.
- WGs are entitled to invite an NGA to participate in their plenary session, which should not count against any member's NGA allowance. WGs should inform the respective "home" agency before inviting NGAs to participate in plenary panels and BOS. (NGAs who have contributed significantly to the WG should be given preference for a BOS role).

Note: Bios and photos for plenary speakers are posted on the conference website – often linked to the names on the conference agenda. WG chairs are responsible for obtaining the bios for their group's plenary session(s) and submitting them to the **Conference Host** for posting. (Bios for breakout session moderators and resource persons have not been collected or posted on the conference website.)