



**International
Competition
Network**

**Summary of ICN Work Product
2017-2018**

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Section I: Working Groups

Advocacy Working Group

The mission of the Advocacy Working Group ([AWG](#)) is to improve the effectiveness of ICN members' advocacy activities in advancing the adoption of competition principles in government and promoting the development of a competition culture within society through the development of practical tools and guidance, and the facilitation of experience sharing among ICN member agencies. During the 2017-2018 ICN year, the Competition Commission of Singapore, the Mexican Federal Economic Competition Commission (COFECE) and the Swedish Competition Authority were the co-chairs of the AWG. The AWG has been engaged in the following main activities:

- the Strategy Project;
- the Market Studies Project;
- the Competition Advocacy Contest Project; and,
- the Library Project.

The AWG's work on dissemination, implementation and outreach is also reported below.

Strategy Project

The aim of the project has been to improve the way competition agencies define their advocacy strategies, by encouraging experience sharing and discussion among ICN AWG Members and NGAs on this topic.

Building upon the work undertaken in 2016-2017 on "[Planning Advocacy Initiatives](#)", the AWG has produced a report on agencies' views and experiences on "monitoring and assessing the results of advocacy efforts". This new report builds upon information gathered from 27 AWG's members on the methods used by agencies in assessing the outcome of advocacy initiatives, the steps and criteria followed, as well as how such assessments are then used by the agencies.

The two reports which the AWG has produced as part of the Strategy Project over the last two years will be the foundation for the third stage of this effort, in which the AWG will aim to design specific recommendations or guiding principles for competition agencies on the planning, development, monitoring and evaluation of advocacy actions and strategies.

Market Studies Project

The Market Studies Project has sought to update and revamp the existing AWG work-products on market studies and increase their dissemination among ICN members so that they can be more effectively used as a resource for authorities that have recently started conducting market studies, or are considering introducing market studies in their toolkit.

During 2017-2018 the AWG has updated the Market Studies Information Store. The Information Store is a catalogue of market studies carried out by member agencies, the aim of which is to help in identifying ICN members' market studies experience in particular sectors, which may assist fellow ICN members with:

- identifying issues for study;
- the cross-fertilization of ideas about market issues;
- identifying approaches to particular market problems;
- identifying ICN members who may be able to assist/advise further on their experience of conducting market studies in particular sectors.

In this year's update alone there have been over 100 new market studies added to the Information Store. In total, the Market Studies Information Store contains details of over 700 market studies from 45 jurisdictions.

ICN – World Bank Group Competition Advocacy Contest 2017-2018

The Contest Project aims to highlight the key role competition agencies play in promoting competition by showcasing their advocacy success stories. In 2017 the ICN and the World Bank Group launched the [2017-2018 Competition Advocacy Contest](#) following the successful [2016-2017 edition](#). The 2017-2018 edition was focused on "Closing the gap through competition advocacy: microeconomic policies, macroeconomic implications". The winners, whose stories will be announced at the 2018 ICN Annual Conference in New Delhi, India, will be invited to present their stories at an ICN-World Bank Group event and be featured in a joint publication.

Library Project

In anticipation of the ICN launching its revamped website, the AWG has dedicated a project to reviewing and improving the working group's web-based tools and re-organizing its section of the ICN website. As part of the project, the AWG has reconsidered the way that all past and current AWG work, resources and projects can be integrated into the website in a clear and user-friendly manner to allow for a greater visibility of the AWG work products.

Implementation, dissemination and outreach

The AWG has undertaken various initiatives to disseminate and implement AWG work products. The AWG organized two teleseminars for the 2017-2018 period. The first teleseminar was held on October 5, which sought to present innovative tools used by competition agencies in their advocacy work. The second teleseminar was held on December 14 and focused on market studies in innovation-based and novel markets. The market studies teleseminar took a novel approach, using a hypothetical scenario based on the payment services market. The panelists discussed various issues raised by the hypothetical scenario which competition agencies may need to consider when

conducting a market study in an innovation-based market. Breakout sessions at the ICN Annual Conference were designed to allow the discussion and implementation of AWG work product in small group discussions. As part of a continued constructive dialogue with the OECD on the topic of market studies, the AWG co-chairs invited the OECD Secretariat to participate in the webinar on market studies in innovative markets in December 2017.

Agency Effectiveness Working Group

The mission of the Agency Effectiveness Working Group ([AEWG](#)) is to identify key elements of an effective and efficient competition agency and develop best practices for agency strategy, planning, operations, and investigative tools and procedures. The AEWG's work explores a variety of factors that affect how competition agencies achieve their objectives in an efficient and effective way.

The Working Group leadership team for 2018-21 includes the Canadian Competition Bureau, the Competition Commission of India and the Norwegian Competition Authority.

The AEWG has three areas of focus during 2018-2019:

1. Organizational design
2. The role of chief/senior economists for effective enforcement
3. Procedural fairness/due process and transparency

In addition, the AEWG has an ongoing activity on the [ICN's Training on Demand](#) (ITOD) project.

Organizational design

Competition agencies make and have control over various organizational design features. Decisions in this regard can have a significant impact on agency effectiveness. The goal of Organizational Design project is to present the range of internal organizational design options agencies have implemented and explore how design choices can improve agency effectiveness. Agencies that have experiences with a change in organizational design will be of particular interest (ie. a natural experiment approach). The Organizational Design Report will be added as a new chapter of the AEWG's ICN Agency Practice Manual.

The Role of Chief/Senior Economists for Effective Enforcement

This project is focused on increasing the involvement of Chief/Senior Economists and NGAs within the ICN to further develop and emphasize the importance of economics in competition analysis.

Planned output of the project will be an examination and comparative overview on how economics and economists participate in agencies' internal investigative and decision making processes, as well as what economics-focused subject areas are of most interest and value to participants.

In 2017-2018, we conducted a survey of agencies to determine how economists participate within agencies and what economics-focused subject areas are of most interest and value to participants.

In 2018-2019, we will build off the results of that survey and feedback received from the AEWG to organize an Economist Workshop in which information and best practices are shared, case examples are discussed, and economists from agencies around the world can network to support the importance of economics in competition analysis. In addition, the AEWG plan to hold a series of teleseminars on related and relevant topics.

Procedural fairness/due process and transparency

For several years, the AEWG has been the home to some of the most innovative consensus-building work on due process in competition law enforcement anywhere. In 2015, the AEWG's multi-year project on competition agencies' investigative processes culminated with the ground-breaking accomplishment of the ICN guidance on investigative process: recommendations on investigative tools, transparency, engagement, and confidentiality that promote fair and informed enforcement.

In 2017-18, the AEWG added to ICN's status as a strong due process proponent with a successful trifecta of new work: 1) a statement of Guiding Principles for procedural fairness in competition law enforcement, 2) an addition to the ICN guidance recommendations addressing internal agency procedural checks and balances, and 3) a new work product format: an annotated version of the ICN guidance on investigative process with implementation tips.

- The 2018 ICN Guiding Principles on Procedural Fairness articulate a common framework of high-level procedural fairness ideals that ICN members have agreed should inform and guide enforcement process. They serve as a universal frame of reference for appropriate enforcement process.
- The 2018 addition to the ICN guidance entitled "Internal Safeguards" explores recommended internal agency practices that help ensure sound process and agency decision making.
- The new annotated guidance – a first for an ICN work product – replicates the guidance along with accompanying specific 'good practice' examples for agencies on how they might implement aspects of the principles and practices presented.

The ICN's work related to due process in competition law enforcement puts it at the forefront of international thinking and aspirational standard setting on these important topics. The AEWG thanks the dozens of agencies and non-governmental advisors that contributed to the due process work in 2017-2018.

ICN Training on Demand Project

No ICN project has done more to promote ICN work across the full range of topics and deliver more entertainment value doing so, than the [ICN's Training on Demand](#) (ITOD) project. The mission of the ITOD is to create a comprehensive curriculum of training materials to serve as a virtual university on competition law and practice for competition

agency officials. The Project is led by the US FTC and a dedicated Project Group that includes representatives from each ICN Working Group and additional interested members and NGAs. The project engages the skills and talents of ICN members and NGAs, particularly academics, to provide a valuable new resource to build capacity and to strengthen competition policy and enforcement. Training modules, consisting of video lectures and accompanying ICN materials, provide an on-line educational centre for competition authorities and others in the competition community from around the world. The modules promote ICN work products and incorporate ICN members' experiences.

In 2017-18, the ITOD project created new modules on international cooperation and merger remedies, and unilateral conduct. It also continues to improve its offerings of viewing formats, translations, and links to additional ICN work that enhance the usability and usefulness of the modules.

Other AEWG Updates

Expert Calls

In its ongoing quest to provide compelling discussion topics, AEWG organizes call series on engaging topics for member experience sharing and to scope potential topics for additional WG work.

Implementation Efforts

In 2017, AEWG organized a workshop on due process for ASEAN Heads of Agencies, where it also took the opportunity to promote and advocate the use of ICN work products.

Cartel Working Group

The ICN Cartel Working Group (CWG) brings together antitrust enforcers to address the challenges of anti-cartel enforcement, enhancing the ability to eliminate both domestic and international cartels. The CWG aims at reducing obstacles that antitrust agencies face in deterring and detecting cartels through the examination of important legal and policy issues and the exchange of effective investigative techniques. For the 2017-18 ICN year, the CWG was co-chaired by the DG Competition of the European Commission, the South African Competition Commission and the Brazilian Conselho Administrativo de Defesa Econômica (CADE).

The CWG consists of two subgroups:

- *Sub Group 1 (SG1): Legal Framework* addresses legal and conceptual challenges of anti-cartel enforcement. The focus of the subgroup is examining policy-level issues of the institutional and investigative framework for the detection and punishment of hard-core cartel conduct. In 2017-18 SG1 was co-chaired by the Turkish Competition Authority (RekabetKurumu) and the Hungarian Competition Authority (GVH).
- *Sub Group2 (SG2): Enforcement Techniques* aims at improving the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques and advancing the education and information sharing agenda of the CWG. In 2017-18 SG2 was co-chaired by the Netherlands Authority for Consumers and Markets (ACM) and the Russian Federal Antimonopoly Service (FAS).

SG1: Legal Framework

Key elements for efficient and effective leniency programme and its application

SG1 conducted a fact-finding survey concerning the major characteristics of leniency regimes, incentives and disincentives for leniency applications and interaction between leniency and other policies. SG1 received replies from 33 competition agencies and 43 NGAs (representing 19 jurisdictions) which were processed in an interim report. The project continues and will be concluded in the 2018-2019 ICN year, aiming at drawing conclusions and drafting good practices for the elaboration of efficient and effective leniency programme and for its application. The project's interim report will be presented and discussed at the ICN Conference in Delhi at a special breakout session with a view to solicit reactions and ideas from the audience. The final product will include conclusions towards a more efficient and effective leniency programme and its application and will be presented at the 2019 ICN Annual Conference in Colombia.

Webinars

The SG1 webinars facilitate exchanges of experiences, sharing of ideas and knowledge about specific enforcement and policy efforts in other jurisdictions. Over the past working year, SG1 held four webinars on the topics of 1) parental liability; 2) international cooperation to fight against cartels; and 3) ex officio investigations, which were complemented by two “Asia Pacific friendly” timed calls in the topics of 1) and 3).

SG 2: Enforcement Techniques

Anti-Cartel Enforcement Manual Chapter on “Development of Private Anti-Cartel Enforcement”

The SG 2 Co-Chairs recruited a drafting team of agency officials and NGAs from 9 jurisdictions to proceed to drafting the Manual’s new Chapter on “Development of Private Anti-Cartel Enforcement.” The new Chapter will include sections on the interplay between private and public enforcement (including the role of courts), limits to disclosure of evidence and to liability, institutional preconditions for development of private anti-cartel enforcement, collective redress mechanisms, quantification of harm and other cornerstone issues related to development of private anti-cartel enforcement. The project continues and will be concluded in the 2018-2019 ICN year. The draft of the Chapter will be presented at the ICN Conference in Delhi at a special breakout session with a view to solicit reactions and ideas from the audience and incorporate them in the next draft. The final version of the Chapter will be presented at the 2019 ICN Annual Conference in Colombia.

ICN Cartel Workshop 2017

The 2017 ICN Cartel Workshop was hosted by Canadian Competition Bureau in Ottawa from October 4 to October 6. The Workshop theme was *Combating Cartels in Public Procurement*. A mixture of plenaries, mini-plenaries and breakout sessions covering both established and emerging issues in countering cartels in public procurement market and general anti-cartel enforcement, were offered, where over 130 speakers and moderators shared their knowledge and experience. The Workshop sessions were focused on three major stages of anti-cartel enforcement, particularly, on detection, investigation and deterrence of public bid rigging, as well as on its prevention.

Further development of a framework for the promotion of sharing of non-confidential information

During 2017-18, SG2 continued to develop and implement a framework for the promotion of sharing of non-confidential information. This framework is intended to assist competition agencies in knowing how to, and whom to, contact in international

counterpart agencies when seeking non-confidential information. As of February 2018, more than 50% of CWG members had registered their participation. The CWG will continue to support and promote the Framework in 2018 - 19.

Update to Anti-Cartel Enforcement Templates

During 2017-18, SG2 continued the process of updating the Anti-Cartel Enforcement Templates, which provide public access to information about ICN members' anti-cartel enforcement regimes. The templates cover a range of topics, including the process for filing a complaint, decision-making, sanctioning cartel conduct, investigative tools, leniency, rights of defendants and confidentiality. Currently 34 templates are uploaded on the ICN website. In the past ICN year, 2 new templates were added and 5 existing templates were updated.

Merger Working Group

The Merger Working Group ([MWG](#)) is ICN's oldest and most accomplished working group. Its collaborative work promotes effective merger review and facilitates procedural and substantive convergence. For 2017-2018, the French Autorité de la concurrence, the Japan Fair Trade Commission, the UK CMA, and the US FTC led the MWG, with participation from over 75 member agencies and scores of non-governmental advisers from 35 jurisdictions.

2017-18 was a usual active year for the MWG, with new work on the ICN's most influential set of Recommended Practices; the historic feat of two workshops in the same calendar year; the introduction of a new substantive topic to ICN's ever growing treasure trove of work product: vertical merger analysis; and a successful, well-attended virtual seminar series on the hot topic of innovation in merger review. In addition to these accomplishments, interested agencies road tested the MWG's existing written work on investigative techniques, scoping proposed improvements for a newly revised work product in 2018-19.

Recommended Practices (RPs) Project

In 2016, the MWG began an ambitious project to revisit and update its sets of Recommended Practices approved a decade before. As aspirational recommendations for all members, RPs are the ICN's highest level work product, and the MWG RPs are among the ICN's most prominent and consulted work. In 2017, the MWG updated RPs on the definition of a merger transaction, notification thresholds, remedies, and efficiencies. For 2018, the MWG delivered new and revised language for RPs on enforcement cooperation, timing of notification, and review periods. Thank you to the French Autorite, EC DG-Competition, the US FTC, and several NGAs for leading the drafting.

Vertical Mergers

In 2017-18, the MWG broke new ground and initiated a project to explore vertical merger analysis. The MWG conducted a comprehensive member survey on vertical merger statistics, theories, practices, and case studies. In addition, the MWG drafted a short 'think piece' setting out the economics of vertical merger assessment to help frame the survey results and ongoing project. The think piece and comparative results on member agency vertical merger experience were reported for discussion at the 2018 annual conference and will inform new written work product on vertical mergers in 2018-19. Special thanks to the UK CMA for leading this project.

Merger Seminar Series

The MWG, led by the JFTC, conducted one of its most focused, timely, and forward-looking virtual seminar series during 2017-18 addressing the topic of “innovation in merger review.” This three part call series explored innovation with agency and NGA experts sharing practical perspectives on issues from recent enforcement merger cases. Presentation materials were circulated for each of the well-attended calls on this timely subject.

The first teleseminar held in October 2017 focused on “Innovation and Horizontal Mergers” and gathered approximately 50 participants from member agencies and NGAs. The discussion started with the framework to analyze innovation in merger review, and shared experiences of analyzing the effects of horizontal mergers on innovation in recent cases. The panel noted different stages of competition such as potential competition, future competition and innovation competition and focus of investigation at each level.

The second teleseminar on “Innovation and Vertical Mergers” was held in November 2017, which gathered about 60 participants from member agencies and NGAs. Speakers presented theories of harm, analytical framework and some merger cases related to innovation and vertical mergers. The discussion also included whether behavioral remedies could be considered vis-à-vis structural remedies in vertical merger cases or how remedies should be implemented properly, taking into consideration differences between horizontal and vertical mergers from the viewpoints of theory of harm and efficiencies that would be achieved.

The last round of the innovation teleseminar series on “Innovation and Mergers: Theory of Harm and Economic Perspective” was held in January 2018. Over one hundred listeners from member agencies and NGAs participated in the seminar. The seminar focused on how to assess pro-competitive effects and adverse effects of mergers related to innovation. Use of both quantitative and qualitative evidence as well as issues of standards of proof, etc. were considered.

2017 Merger Workshop

The MWG organizes the longest running and most innovative series of training and policy discussion workshops within the ICN, with events targeted to case handlers, economists, and merger policy makers. The MWG’s fourteenth workshop took place in December in Mexico City, hosted by COFECE and attended by 125 participants from over 25 jurisdictions. Participants chose small group breakout discussions on a workshop-long, real-world feel hypothetical case in either English or Spanish. The format was a skills-training workshop on effective merger investigative techniques, patterned after an earlier MWG workshop in February 2017.

Framework for Merger Review Cooperation

The MWG also maintains a [Framework for Merger Review Cooperation](#) among interested member agencies. The Framework provides contact details of agency liaison officers to facilitate information exchange between cooperating agency case teams. The JFTC administers the Framework. As of February 2018, 60 competition authorities have joined the Framework. The framework has been effectively utilized to exchange information among member agencies. The MWG will continue to maintain and promote it.

Unilateral Conduct Working Group

The Unilateral Conduct Working Group ([UCWG](#)) was established at the fifth annual ICN conference in May 2006. Its primary objectives are to examine the challenges involved in analyzing unilateral conduct of dominant firms and firms with substantial market power, facilitate greater understanding of the issues involved in analyzing unilateral conduct, and promote convergence and sound enforcement of laws governing unilateral conduct. For the 2017-2018 ICN year, the Australian Competition and Consumer Commission, the Italian Competition Authority and the US Department of Justice co-chaired the UCWG.

Vertical Restraints Project

In 2016 the UCWG established a project examining the effects on competition of vertical restraints. This multi-year project, coordinated by the ACCC, seeks to promote increased understanding where differences in standards arise, and facilitate convergence wherever possible. The vertical restraints project will see the development of a series of papers exploring hypothetical vertical restraint scenarios. The papers will provide a preliminary examination of the effect on competition and potential resulting efficiencies of the hypothetical restraint.

For the 2018 annual conference in New Delhi, the UCWG presented an interim report describing the activities undertaken over the preceding months. In 2017 a project group of ICN members and NGAs was set up to start the work with the first hypothetical scenario which considers the possible effect of certain parity requirements included in contractual arrangements between fictional Online Travel Agents (OTAs) and fictional accommodation providers. A fact scenario was provided to project group members (elements of this hypothetical were also discussed during the 2017 UCWG Workshop breakout sessions) who were invited to consider: possible case theories, arguments about pro-competitive effects that may be presented (and factors relevant to these arguments), and areas of further inquiry by investigators.

For 2017-2018 the project group members will finalize their responses which will assist the UCWG in highlighting commonalities and divergent factors in the assessment of the OTAs scenario. Moreover, in 2018-19 the UCWG will consider the other two scenarios (an offline retail environment and an online selective distribution model) and develop a similar process for delivering the other papers.

2017 Unilateral Conduct Workshop

The sixth ICN Unilateral Conduct Workshop was held in Rome, on 30 November and 1 December 2017, and hosted by the Italian Competition Authority. 120 delegates participated in the Workshop, representing 42 jurisdictions. The event focused on three themes: antitrust tools and techniques to address novel digital challenges, platform market power and parity agreements. The Workshop also offered practical, hands-on

breakout sessions, based on hypothetical scenarios. The relevant materials can be found here: <http://www.agcm.it/icn-ucwg-workshop-2017.html>

Webinars

The Working Group held two webinars, the first exploring big data in competition policy and in particular in unilateral conduct, while the second presented the enforcement experiences of some Working Group's members in the area of excessive pricing. These and other materials will be available from the [ICN website](#).

Section II: Steering Group Initiatives

In the last ICN year 2017/2018 the ICN Steering Group continued to focus on:

- Communication, including a new website, social media and the ICN newsletter;
- Engagement particularly of younger agencies and from different world regions;
- Implementation through the Advocacy and Implementation Network and
- NGA engagement.

As in the last years, the Steering Group organized Town Hall Teleconferences.

These priorities are reflected in the organizational structure of the ICN, the Vice Chair for Communication (Chris Fonteijn, Chairman of the ACM Netherlands), the Vice Chair for Younger Agencies and Regional Diversity (Alejandra Palacios Prieto, Chairman of COFECE, Mexico) and the NGA liaison (Isabelle de Silva, President of the Autorité de la concurrence, France).

Communication

ICN realises the importance of communication in changing and improving how the organisation interacts with its members and other stakeholders. Better use of communication tools improves ICN's reach, allows it to increase its profile, develops ICN's interactivity and promotes implementation of ICN products. Of course, changing how ICN communicates also involves increasing the capacity we devote to communication. With this in mind, ICN nominated a Vice Chair for Communication to spearhead the team developing the ICN website, develop ICN's activity on Social media and work on the content of the ICN newsletter.

The new ICN website

ICN's principle communication tool is the ICN website. The website team included the Netherlands ACM, the Canadian Competition Commission, the US FTC, the Bundeskartellamt and the Italian Competition Authority. Special advice was given by the Hong Kong Commission and the Competition Commission of Singapore. Our new website serves both members and non-members, with a focus on familiarization with and dissemination of our work products, education, support for training and member engagement. To ensure that the updated website has sustainable added value over a longer period of time, simplicity and functionality are at the core of the revision. A significant improvement has been that the new site is mobile/tablet-friendly. We have improved our calendar, and made our homepage clearer and better structured in a more modern format. We switched to a single simplified search function. By giving publications tags based on their subject, we have made the search function of our website more

efficient. We also improved our website security. The result is a chic, modern website, to be presented at the Delhi conference which will allow us to interact more smoothly with our members and NGAs, as well as functioning as a calling card for ICN.

Social media

Social media can be used by ICN as a complementary tool to our ICN webpage, to enlarge the awareness and reach of ICN events and products. It is an interesting method for reaching a wider and more diverse public than we would normally reach with more classical methods. Drawing on the work done by the Agency Effectiveness Working Group on social media use among ICN members, as well as the ICN Twitter experiment at the Porto conference, the Vice Chair for Communication proposed a Social Media policy for ICN, on the basis of which it was agreed to focus on social media platforms that are best suited to ICN's products at present, such as Twitter, the ICN blog and the use of Youtube for ITOD products.

Tweeting Guidelines and ICN Press Policy

In line with the outcome of the ICN Social media policy discussion and the lessons learned from the ICN Porto Conference, the Vice Chair for Communication proposed the use of @IntCompNetwork to tweet during ICN events. We also drew up Tweeting Guidelines. Finally, we developed a simple press policy which will be put into effect at the ICN Delhi conference.

ICN Newsletter

The ICN Newsletter is published approximately every two months by the ICN Chair's office, and gives a detailed account of ICN events and news as well as an address from the chair. The newsletter is distributed by targeted email as well as through the new ICN website. The media team has developed a special conference issue immediately prior to the annual conference. Articles published in the newsletter may also be used for the ICN Blog.

Engagement

Aiming to build on the existing ICN efforts and assure continuity as well as progress on the current projects, the work of Vice Chair Alejandra Palacios has been primarily driven by the findings of the Report "The future of the ICN in its second decade" (hereafter Second Decade Report or Report).

Notably, the Report recognized the importance of strengthening advocacy efforts to foster active participation of younger agencies. For this reason, last year COFECE conducted a series of outreach activities in order to further-engage with regional agencies and stakeholders.

Trying to boost regional and language based experiences, in December 2017, COFECE hosted the 14th edition of the ICN Merger Workshop in Mexico City. It was Vice Chair Palacios aim to develop the Workshop with a strong regional approach and find out if it proved useful for regional agencies. For that reason, the event was developed making use of novel features that allowed Spanish-speaking officials to better-benefit from the discussions. As part of these efforts, participants were offered a simultaneous translation service and were able to choose between Spanish or English written materials. Also, Spanish-speaking discussion tables were set up for officials and Non-Governmental Advisors (NGAs) that required it. In addition, COFECE's communications team managed to live-stream the presentations through social media platforms. By doing this, officials and NGAs throughout the region had live and streaming access to information that they could not have obtained otherwise. If their regional approach is successful, ICN should work on this type format in other regions (i.e., Asia and Africa).

For the second year in a row, in the framework of the ICN Annual Conference, Vice Chair Palacios offered COFECE to organize the session *By Younger Agencies, For Younger Agencies* seeking to make of it a forum for young agencies to fruitfully engage in discussions and share common experiences to overcome their challenges.

The Vice-Chair is also working on revamping the document *Lessons to Be Learned from the Experiences of Young Competition Agencies*, originally produced by the ICN in 2006. Updating this document can shed light on the challenges and barriers that young competition agencies face in as they seek to enforce competition law and how to address them in a comprehensive manner.

Recognizing that the amount of work products produced by the ICN can be overwhelming for some young agencies, the Vice-Chair has compiled a series of work products that are considered key for the earlier years of competition enforcement. This set of documents is intended to be an introductory tool for young agencies to decide which recommended practices are best-suited to adopt them in their jurisdictions.

Finally, as part of her outreach strategy, Vice Chair Palacios has suggested to strengthen ties among the ICN and other international organizations such as the World Bank and the Inter-American Development Bank, especially in capacity building activities. It is her believe that the efforts of these institutions are complimentary and, when coupled with each other, they can achieve greater goals as each of these institutions have different strengths: financial assistance, outreach matters, capacity building efforts, as well as the promotion of ICN work products and best practices.

Implementation

Promotion, awareness, and encoring implementation of ICN work product is vital to the network. The first goal mentioned in the ICN's mission statement is "to advocate the adoption of superior standards and procedures in competition policy around the world." ICN Chair Mundt has emphasized the "great importance for the ICN in the future to raise

awareness for its work products, promote them and ensure that they are implemented into legislation and everyday work, making the ICN the key element of global convergence in competition law.”

To support ICN’s work and its impact, the ICN has a dedicated “Advocacy and Implementation” (A&I) group co-chaired by Portugal’s AdC and the US FTC, joined by Working Group chairs and other interested members.

The A&I group promotes ICN work and implementation initiatives in a variety of ways.

- The JFTC, the A&I group’s founder and current member, produces an annual “Work Product Catalog” to raise awareness of ICN’s core consensus work product across its various working groups.
- The A&I coordinates with working group chairs to provide implementation assistance to members interested in learning more about ICN work product on specific topics. In 2017, Argentina’s CNDC requested ICN input into its effort to draft new Merger Guidelines. The CNDC used ICN recommendations on merger analysis to help inform its new guidelines.
- The A&I group makes an annual request to members for stories about how members use ICN work product, to help document ICN’s impact and inspire members with implementation ideas from their peers. The results of the 2017-18 request will be compiled with stories from prior years in a collection of ICN achievements.
- The A&I group organized an implementation panel for the annual conference to showcase how members make use of ICN work.
- The A&I group is assisting with the ICN’s website update, new twitter account, and newsletter to raise awareness about new and existing ICN work.
- The A&I group promotes the translation of work products in order to improve the outreach of ICN work products to a non-English speaking audience.

The A&I group aims to develop further initiatives to assist working groups in promoting the implementation of work product among members as well as raising awareness of ICN work product, engaging the wider ICN membership and non-governmental advisors.

NGA engagement

NGA engagement is a founding pillar of the ICN.

Since its inception, the ICN has attracted competent, eager, engaged NGA partners that have shared in its accomplishments. NGAs help draft and refine ICN work products, inform ICN discussions, and raise awareness of the ICN’s work. The ICN’s relationship with its NGAs has lived up to the “high level of goodwill and cooperation” cited in the aspirations of ICN’s Operational Framework. Still, many ICN member agencies do not invite NGAs into the ICN’s work or events. A high percentage of active NGAs come from a

small number of jurisdictions. The ICN has aspired to broaden its NGA participation and perspectives for many years.

The 2016 Second Decade review exercise was the occasion to solicit views from NGAs across the ICN. Over 60 NGAs responded to a survey addressing NGA participation in the network, ICN work product and its implementation, and ideas for the future of the ICN. NGA views were detailed in the June 2016 “Future of the ICN” Report. The Second Decade evaluation of NGA participation in the network revealed a beneficial, collaborative relationship with those who are active. This interaction should be strengthened and expanded under the same guiding principles that have served the ICN well to date.

A group of ten NGAs prepared a follow-on discussion paper on NGA engagement and suggestions for improvement. A paper on the “ICN approach to NGA participation” informed by the NGA survey responses, as well as this follow-on discussion paper was then prepared by the Change Committee and was approved by the Steering Group in December 2016.

The paper recommends that the ICN:

- Continue to affirm the value that NGAs bring to the ICN and continue to pursue engagement with NGAs through ICN work; and
- Maintain an open, welcoming, lightly structured framework for NGA participation, using the following principles and aims as a guide.

To do so, the paper proposes the following additional steps to improve NGA engagement:

- Reconfirm the role of ICN NGA Liaison by a Steering Group member;
- Encourage all members and working groups to expand the number and variety (by type and geography) of NGAs;
- Encourage NGAs to help disseminate and promote ICN work;
- Consider NGAs as a target audience for the ICN’s new communication tools: the renewed website, the ICN newsletter, and social media efforts;
- Encourage members and working groups to organize regular opportunities to inform NGAs of ongoing work and opportunities for NGA participation;
- Promote open and inclusive NGA participation, alongside members, in the virtual aspects of ICN work;
- Encourage discussion-friendly formats and topics at ICN events that promote open dialogue and encourage NGAs to share their perspectives;

Isabelle de Silva, President of the French Autorité, and entrusted with the role of ICN NGA Liaison, will continue to work towards greater NGA engagement. She will, among other initiatives, carry on the tradition – established since the 10th ICN Annual Conference in The Hague – of hosting a dedicated breakout session on NGA engagement at ICN Annual Conferences. The 2018 ICN Annual Conference in New Delhi will therefore offer an NGA engagement breakout session that will address the many benefits of NGA engagement,

from both NGAs' and agencies' viewpoints, through a discussion led by two NGAs and two agencies – of which the Autorité – reflecting the diversity of the ICN membership. It will aim to encourage agencies, young or mature, to enroll NGAs to work beside them in the ICN, to underscore the interest of acting as an NGA in the ICN, and overall to address the possible challenges of establishing a mutually beneficial interaction between NGAs and member agencies.

Town Hall Teleconferences

The Steering Group continued its successful format of town hall teleconferences where heads of agencies discuss general policy issues and potential new topics that the ICN might deal with and which are not yet covered by the regular planning of the Working Groups. The ICN town hall calls are open to the whole ICN community.

On 27 September Andrea Coscelli, Chief Executive Officer, UK CMA, Johannes Laitenberger, Director-General, DG Competition, and Toh Han Li, Chief Executive Competition Commission of Singapore, gave their views on “What can competition authorities do for open markets?”

A town hall teleconference on “Addressing public restraints on competition” with Maureen K. Ohlhausen, Acting Chairman, US Federal Trade Commission, Francis W. Kariuki, Director General, Competition Authority of Kenya, Esteban M. Greco, President, Comisión Nacional de Defensa de la Competencia, Argentina and Alejandra Palacios Prieto, President, Mexican Federal Economic Competition Commission, took place on 14 November 2017.

The ICN Chair moderated the town hall teleconferences.

Section III: Operational Working Groups

Operational Framework Working Group

The Operational Framework Working Group ([OFWG](#)) was established at the first ICN Annual Conference in Naples, Italy in September 2002. The mission of the OFWG is to provide recommendations on operational and governance issues of the ICN to the SG. In 2017-2018, the Canadian Competition Bureau and the Colombian Superintendencia de Industria y Comercio chaired the OFWG and no activity was registered.

Membership Working Group

The Membership Working Group, co-chaired by the Korea Fair Trade Commission and the Comisión Nacional de los Mercados y la Competencia of Spain, was established at the first ICN Annual Conference in September 2002. Its main purpose is to accept applications for ICN membership from competition agencies around the world, examine them under the criteria for membership set out in the Operational Framework of the ICN and refer the case to the SG for the members' review and consensus.

Since the 2014 ICN Annual Conference, the Membership Working Group has reviewed applications for entry to the ICN and the SG approved the following new ICN members:

- Competition Agency, Georgia;
- Competition and Consumer Protection Authority, Ethiopia;
- Competition and Consumer Protection Tribunal, Zambia;
- Fair Trading Commission, Trinidad & Tobago;
- Competition Protection Authority, Kuwait;
- Committee of the Protection of Competition and Prohibition of Monopolistic Practices, Qatar;
- Competition Commission, Philippines;
- Competition and Consumer Affairs Commission, Guyana;
- Competition Authority, French Polynesia
- Curacao Competition Authority;
- Competition Regulation Committee of the Government of United Arab Emirates;
- Bangladesh Competition Commission.

The new and successive members noted above help make the total number of the ICN membership mark **138 agencies from 125 jurisdictions as of 21 February 2018**.

Table 1: Overview of Working Groups Achievements 2017-2018

	Advocacy Working Group	Remarks /Updates
	A report on competition authorities' strategies for monitoring and assessing the results of advocacy efforts.	
	Review and improvement of the AWG's library of advocacy resources on the ICN's website.	
	Updating the Market Studies Information Store	
	ICN – World Bank Competition Advocacy Contest 2017-2018 edition	
	Two teleseminars on innovative tools used by competition agencies in their advocacy work and market studies in innovation-based markets.	
	Agency Effectiveness Working Group	Remarks /Updates
	New ICN Guiding Principles for procedural fairness Recommendations on internal agency procedural checks and balances Implementation tips for good process	<i>New section of the ICN Guidance on Investigative Process</i>
	The Role of Chief/Senior Economists for Effective Enforcement	
	ICN Training on Demand Project ICN: modules on International Cooperation and Merger Remedies	
	ICN/ASEAN Due Process Workshop (August 2017)	
	Cartel Working Group	Remarks /Updates
	Sub Group 1 Key elements for efficient and effective leniency programme and its application;	<i>Interim report; the project continues in the 2018-2019 ICN year</i>
	Webinars on: 1) parental liability; 2) international cooperation to fight against cartels; and 3) ex officio investigations. Webinars on:1) parental liability and 2) ex officio investigations organised in Asia Pacific friendly time	
	Sub Group 2 Annual ICN Cartel Workshop, hosted by Competition Bureau of Canada in Ottawa in October 2017	
	Preparation of the new Chapter on "Development of Private Anti-Cartel Enforcement" of the Anti-Cartel Enforcement Manual	<i>Drafting is on-going; the project continues in the 2018-2019 ICN year</i>

	Framework for the promotion of the sharing of non-confidential information Anti-Cartel Enforcement Template Update	
	Merger Working Group	Remarks /Updates
	Recommended Practices (RPs) on enforcement cooperation, timing of notification, and review periods	<i>Revision & update</i>
	Vertical Mergers Project: comprehensive agency survey and think piece on the economics of vertical merger assessment	<i>The project continues in the 2018-2019 ICN year</i>
	Seminar series on the framework for analyzing innovation in merger review and experiences of evaluating the effects on innovation in recent cases	
	2017 MWG Workshop (December 2017), hosted by Mexico's COFECE; focused on investigative techniques using real-world hypothetical	
	Unilateral Conduct Working Group	Remarks /Updates
	2017 Unilateral Conduct Workshop	
	Vertical Restraints Project	<i>Interim report; the project continues in the 2018-2019 ICN year</i>
	Webinar on: <ul style="list-style-type: none"> • “Big Data” and competition policy • Excessive prices 	