

A statement by Andreas Mundt, President of the Bundeskartellamt, ICN Chair

Focus, inclusiveness and implementation – The ICN as a key factor for global convergence in competition law

It is with great pride that all of us can look at the achievements of the International Competition Network. What started as an idea of a little more than a dozen authorities has grown into a reputable international organisation. The first years especially were marked by a rapid increase in the number of member agencies and an enlargement of our fields of activity. Driven by the needs expressed by members and the invaluable input from non-governmental advisers, the ICN established Working Groups dealing with all areas of enforcement. It also addressed other topics of great importance like advocacy, institutional set-up and organisation.

The Bundeskartellamt and even myself had the privilege to be part of the ICN in this development right from the start.

I am grateful to previous ICN Chairs who have helped shape the ICN into the valuable organisation it is today. Within this excellent platform for sharing experience and providing assistance, the Working Groups are the central pillar. They do an outstanding job and I intend to give them every support to help them continue their task.

I am extremely grateful to Bruno Lassere for his willingness to continue his important work as Vice Chair for enhanced member and NGA engagement and outreach. It will also be an honour to work together with Vinicius Marques de Carvalho as new Vice Chair for implementation. Together I am confident we will be able to ensure the high value of the ICN.

Making sure that the ICN matters

When considering the future it might be useful to take a look back to where we came from. The first years of the ICN focused on the establishment, working modes and expansion of the young organisation. Areas of interest were defined and Recommended Practices and other forms of guidance developed where consensus was most likely to be achieved. The building of mutual trust and understanding were welcome side effects of these efforts.

Following this period, the Second Decade project in 2011 was an important step to identify achievements and the tasks ahead. We agreed that the ICN will pursue four high-level goals and have since worked hard to bring them forward.

Today the dissemination of competition experience and best practices, the formulation of proposals for procedural and substantive convergence, the promotion of competition advocacy and efforts to facilitate effective international cooperation have become the core business of the ICN in the Working Groups and in special projects. Advocacy was of key interest to the outgoing Chair Eduardo Pérez Motta and Vice Chair Bruno Lasserre, co-operation is being dealt with in a promising pilot project with the OECD.

After twelve years of existence the ICN today is a mature international organisation with 126 agency members from 111 jurisdictions, covering a broad spectrum of topics with a good number of very valuable work products. While this is a great achievement it leads us to a different kind of challenge than those faced at the beginning. The high number of excellent work products and the diversity of activities might result in less attention for the individual product. We therefore need to advocate not only for competition but also for our work products.

Another challenge from the start, which at the same time has always been a huge advantage, is our fast growing and diverse membership. Not only does the ICN consist of new agencies as well as mature agencies, it also brings together members with different resources, from different time zones, with different competences and with a vast number of different languages.

In order to meet these challenges and to continue the process we started with the Second Decade project, it will be of 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. There are in my view three key factors to achieve this:

- **Focus**

First of all it is of the highest priority for me to ensure that the ICN chooses the topics that matter most to the network. This specifically means setting the right priorities and focusing on a number of issues and projects that will meet the most important needs of members and can have a real impact on our work.

When identifying the most relevant topics we need to be aware that the focus may differ depending on geographical and other particularities. We have to take care to address different needs resulting from the diversity of our members. And we have to keep these different needs in mind when organizing regional workshops and setting the agenda for the Working Groups and the Annual Conference.

Focus also means taking into account that many ICN members are facing a reduction of resources due to the changing economic conditions and have to stretch their capacities to participate in many different areas of ICN work. Limiting ourselves and at the same time scrutinizing our processes will enable us to maintain the high quality of our work products and build upon a broad basis of input from our diverse membership.

Focus also means that the ICN remains open to take up new projects that are relevant for competition agencies and help us to improve our work. This will be a joint task for the Working Groups and the Steering Group. Together we will identify priorities and evaluate the implementation of certain lighthouse and other consensus-based work products. While the Working Groups are in charge of defining their individual goals, the Steering Group can assist by providing an overview over the whole organisation.

- **Inclusiveness**

It is with a lot of satisfaction that we see how tremendously the ICN has grown in the past years. The broader membership has innumerable benefits. Not only does it ensure that the issues dealt with really matter to the competition law community worldwide, but it also gives the ICN the possibility to advocate its vision on the worldwide playing field of multinational enterprises.

The growing membership has further allowed the ICN to tackle more topics and projects, because it was able to distribute the burden on more shoulders. At the same time it means that, due to resource constraints, many agencies are not able to contribute to or even follow all ongoing work. Accordingly, we should pay a renewed attention to the consultation of members and their participation in the drafting of the most important ongoing projects and in particular Recommended Practices. This is the best way to ensure that members will feel committed to putting them into practice.

But inclusiveness is not only about agencies. It is also about the participation of NGAs who provide extremely valuable input. Their enhanced involvement is most welcome. And last but not least we will also continue to reach out to other international organisations like

OECD, UNCTAD, WTO and World Bank. Our joint project on Co-operation with the OECD is an important step in that direction. But also regional organisations such as the African Competition Forum, ASEAN, SADC, UEMOA and the ICN members CARICOM, COMESA and the Andean Community, to name just a few, will be important points of contact.

- **Implementation**

All the efforts mentioned above have of course one key direction: to enhance the implementation of ICN work products. If we want to ensure that the ICN and its work products matter, we need to make our high-quality products available to everyone and continue our efforts to promote their implementation. Focus and the relevance of the topics we address will raise awareness for our work products and inclusiveness of members can enhance their willingness to converge to ICN standards.

On a practical level, implementation may be achieved by various means. It can be promoted by presenting work products in teleseminars, using work products at workshops or internal training classes, or within the advocacy work of ICN members. We should aim to convince stakeholders not only of the benefits of competition but also of the benefits of taking inspiration from ICN guidance. All approaches to achieve this are equally important and give the Working Groups and ICN members a variety to choose from.

Realisation

The Second Decade project and the past year have shown that we are already on the right track. All three areas - focus, inclusiveness and implementation - require concerted efforts from all parts of the ICN as a group.

I would therefore like to invite the Working Group chairs and also the Steering Group members to remain ambitious and to strive for these common goals and to get everyone involved.

Last year we already started to pay more attention to the development of and balance between the Working Group work plans and we will consider this as a main priority also for the future. We will analyse new projects to ensure that they meet the ICN members' needs and contribute to the overall balance between promoting and implementing existing work products on the one hand and creating new work products on the other hand.

Advocacy and outreach will remain important pillars of our work as well. With regard to the ICN Annual Conference 2014 in Marrakech, we will have a chance of involving the French speaking and possibly new African ICN members more closely. The Steering Group has also asked the conference organisers and members of the Annual Conference Planning Committee to make sure that younger agencies are given more room in the conference and that geographic and gender diversity aspects are taken into account.

And we will continue our efforts to advocate for implementation. We have produced outstanding work products which deserve as much attention as possible. We will consider ideas including how we can continue the active support for agencies seeking input on implementation and how to develop a communication strategy on work products more specifically directed at newer or less active members. In my capacity as Chair I will be delighted to assist wherever I can and to support the Working Groups in their implementation efforts. We will think about new ways to promote our work and I would very much welcome any suggestions from members, NGAs and other international colleagues.

I hope that you will show me the same level of support that you have kindly granted to Eduardo and my other predecessors. I am convinced that together we will be able to help the ICN remain the meaningful organisation it has become, to involve members and NGAs in contributing to our cause and to achieve our goals for the ICN's second decade.