



New ICN-led Framework to Promote Fair and Effective Agency Process

On April 3, 2019, the International Competition Network’s Steering Group members approved the international Framework on Competition Agency Procedures (CAP). The CAP is an “opt-in” framework, open to all competition agencies, aimed as an implementation tool to advance basic fairness principles among all competition authorities. While the CAP is inspired by ICN members and is supported by its resources, its implementation structure allows for additional cooperation among participants and is open to competition agencies that are not ICN members as well.

ICN Chair Andreas Mundt said, “The creation of the CAP, bringing together prior consensus principles and new implementation tools, illustrates the close collaboration within the international competition community and the level of support, confidence and trust placed in the ICN. My thanks go to all agencies involved and it is a great pleasure to invite all competition agencies to be part of the CAP.”

The ICN has long recognized the importance of fair and effective procedures and has become a leading international voice on competition agency process. Its 2003 and 2004 Recommended Practices for transparency and procedural fairness during merger review were the first international consensus principles on the topic. In 2015, the ICN approved its agency Guidance on Investigative Process. In 2018, three additional, procedural fairness related work products followed, and at the 2019 ICN Annual Conference, the ICN will present its highest-level work product on the topic: Recommended Practices for Investigative Process.

The CAP distills basic principles on procedural fairness, which reflect a broad consensus among competition agencies. The CAP adds a cooperation process whereby participating agencies can engage in dialogues to better understand each other’s processes. The framework also includes important transparency provisions allowing participants to publish their procedural rules.



The CAP also borrows its “opt-in framework” concept from prior ICN frameworks that promote enforcement cooperation in cartels and mergers. This extends similar, additional cooperation assurances among participating competition agencies to sound agency process principles. Starting point was the MFP project brought forward by the US DOJ.

The ICN is a working collaboration of the world’s competition authorities to promote convergence in competition law and policy. You can find the CAP on the ICN’s website at: <https://www.internationalcompetitionnetwork.org/frameworks>