



Agency Effectiveness Working Group

2020-2023 Work Plan

MISSION

The mission of the Agency Effectiveness Working Group (AEWG) is to identify key elements of a well-functioning competition agency and develop best practices for agency strategy, planning, operations, and procedures.

ORGANISATION

The Working Group comprises over 60 ICN members as well as legal, economic, and academic NGAs from around the world. The Working Group's leadership team for 2020-2021 includes the Swedish Competition Authority, the Competition and Consumer Commission of Singapore and the Competition Authority of Botswana. The Working Group holds periodic teleconferences and webinars, which are both open to all members and NGAs.

LONG TERM GOALS

In order to fulfil its mission, the AEWG will strive to:

- provide a forum for sharing agency operational experiences and practices;
- encourage agencies to evaluate their effectiveness and improve the quality of agency operation and procedures;
- develop operational guidance for an effective agency, including investigative process;
- promote implementation of the Working Group's work product; and
- provide a forum for economists to share their experiences.

2020-2023 STRATEGIC PLANS

Over the next three years, the AEWG will guide its work program based on the following considerations:

Goal: Build consensus and develop agency guidance.

The Working Group will pursue topics of relevance to the functioning of a competition agency, welcome widespread input from members and NGAs, identify and share agency experiences, and develop work product that provides useful guidance to member agencies. The AEWG has as its objective to provide competition agencies with ideas, tools, procedures and best practices that can help them enhance their effectiveness.

Goal: Create new work product that addresses the needs of ICN members.

Topics for possible consideration of new work over the next three years include:

- Digitalisation as a tool for agency effectiveness and the strategies used by competition agencies when equipping themselves to be fit to meet the new demands of the digital economy.
- How early case prioritisation and management can contribute to effective and efficient enforcement.
- Best Practices economics topics: examine cutting-edge antitrust economic topics either via teleconferences or webinars, as well as workshops.
- How agencies can ensure effective working methods during crises, with a specific focus on issues arising from the COVID-19 pandemic.

Goal: Promote implementation of existing work product

The Working Group will continue to promote, encourage implementation of, assess the use of, and consider feedback on its existing work. Work product(s) that will be prioritized for implementation efforts includes the Investigative Process Recommended Practices. Formats for promotion and implementation will include Working Group calls and webinars, workshops, and efforts to solicit feedback on and gauge the use of the work product(s).

Goal: Strong member and NGA participation

The Working Group will continue to engage ICN members and NGAs through the development of new work product(s) of value to Working Group participants; implementation efforts for existing work product(s); teleseminars, webinars and discussion calls on timely topics of interest; workshops; and other interaction. NGAs will remain an integral part of the AEWG's work, with all members encouraged to invite and involve active NGA participation from their respective jurisdictions.

Agency Effectiveness Working Group

2020-2021 Annual Plan

Projects Summary

In the period 2020-2021, the AEWG will have four main pillars in its work to achieve its mission and strategic goals:

1. Digitalisation, Innovation and Agency Effectiveness
2. Case Initiation and Prioritisation
3. The Role of Chief/Senior Economists for Effective Enforcement
4. Agency Effectiveness in Response to the COVID-19 Pandemic

Project 1 – Digitalisation, Innovation and Agency Effectiveness

Title	Digitalisation, Innovation and Agency Effectiveness
Description and output	The transition to the data-driven economy implies that competition authorities must innovate to meet new challenges in ensuring effective competition enforcement. Building on previous AEWG work on organisational design with focus on digitalisation, this project will further explore different strategies used by competition agencies when equipping themselves to be fit to meet the new demands of the digital economy. Beyond questions of organisational design, the project may look at investigative tools for the digital age, while also touching on previous AEWG topics such as recruitment, staff training and knowledge management in order to get a holistic picture of how digitalisation and innovation impacts competition agency effectiveness.
Output achieved	Teleseminar(s) and/or short written product (compilation of member inputs) where competition agencies share their experience and good practices. To the extent that best practices can be identified, these may be developed in subsequent years.
Assessment of timing	2020-2021
Entities/Persons responsible	Swedish Competition Authority

Implementation	Circulation of written product to AEWG membership and NGAs. The project may also lead to a topic for ICN 2021 annual conference.
Evaluation	Feedback from member agencies and NGAs.

Project 2 – Case Initiation and Prioritisation

Title	Case Initiation and Prioritisation
Description and output	Many competition agencies have established methods and principles for how they handle cases at the initial stages of an investigation in order to identify the right cases and better allocate their limited resources. Careful case prioritisation has become particularly relevant as authorities have begun dealing with more complex business practices and large amounts of data as a result of the transition to the digital economy. The project will examine agency practice in handling complaints, weighing up different enforcement priorities, testing early case theories, initiating formal investigations. The project will look into how early case prioritisation and management can contribute to effective and efficient enforcement.
Output achieved	Teleseminar(s) and/or short written product (compilation of member inputs) where competition agencies share their experience and good practices. To the extent that best practices can be identified these could be developed in future years.
Assessment of timing	2020-2021
Entities/Persons responsible	Competition and Consumer Commission of Singapore
Implementation	Questionnaires and teleseminars to obtain member inputs. The project may also lead to a topic for ICN 2021 annual conference.
Evaluation	Feedback from member agencies and NGAs.

Project 3 – The Role of Chief/Senior Economists for Effective Enforcement

Title	ICN Chief/Senior Economist Workshop
Description and output	Plan AEWG's 4th Chief/Senior Economist Workshop. As with the previous workshops, sessions will likely combine teaching from world-renowned academics in

	economics, case presentations by agencies, and discussions amongst audience.
Output achieved	As a result of the Workshop, agencies will better share information and best practices, discuss case examples, and network to support the importance of economics in competition analysis. We will be able to continue to engage with economists and NGAs within the ICN.
Assessment of timing	Either Spring or Summer 2021
Entities/Persons responsible	Canadian Competition Bureau
Implementation	TBD
Evaluation	A post-workshop survey will be implemented to inform lessons-learned and upcoming teleseminar topics.

Project 4 – Agency Effectiveness in Response to the COVID-19 Pandemic

Title	Agency Effectiveness in Response to the COVID-19 Pandemic
Description and output	<p>COVID-19 reference tool</p> <p>As a response to the COVID-19 pandemic, the AEWG has been responsible for updating an unofficial reference tool for ICN member agencies to raise awareness of some of the COVID-19 related policies being implemented by international counterparts. The AEWG will continue to update the reference tool until amendments received are minimal.</p> <p>Webinar(s) on key agency effectiveness issues in response to the COVID-19 pandemic</p> <p>The AEWG will organise one or more webinars on agency effectiveness issues, such as competition authorities' experiences of contingency and crisis planning.</p>
Output achieved	<ol style="list-style-type: none"> 1. COVID-19 reference tool. 2. Experience sharing about relevant agency effectiveness issues in light of the COVID-19 pandemic such as contingency and crisis planning.
Assessment of timing	2020-2021
Entities/Persons responsible	AEWG co-chairs

Implementation	COVID-19 reference tool circulated to ICN member agencies.
Evaluation	Feedback from member agencies.

Dissemination, Implementation and Outreach

Project 1 - Promotion and Implementation of AEWG Work

The AEWG will pursue opportunities to include webinar material in existing work products, promote its existing work, solicit and consider feedback, and gauge its use by and usefulness to members.

The AEWG will also use opportunities at ICN events, such as workshops and annual conferences as well as periodic teleseminars/webinars to highlight its existing body of work, notably the topics addressed in the ICN Agency Practice Manual.

Title	Promotion & Implementation
Description and output	Includes outreach to members, workshops, and promotion and implementation of existing AEWG work.
Output achieved	Promotion of AEWG work via teleseminars/webinars and ICN events highlighting AEWG work-related themes.
Assessment of Timing	Ongoing efforts
Entities/Persons Responsible	AEWG co-chairs
Evaluation	Feedback from users and workshop participants.

PAST PROJECTS, 2019-2020

Organizational Design and Digitalisation

The increasing digitalisation implies that competition agencies face more complex investigations in fast-moving markets. It is therefore crucial that agencies are prepared and well equipped to meet new challenges in order to ensure an effective enforcement. As a follow-up to the ICN Report on Agency Effectiveness through Organisational Design (2019), the AEWG continued to analyse how digitalisation affects the organisational design of competition agencies. In March 2020, the AEWG presented a webinar “Organisational Design and Digitalisation”, where agencies of different sizes could share experiences with regard to their strategies and challenges in shaping their organisation to be fit to meet the new challenges of the transition to the digital economy.

The webinar addressed the following issues:

- whether agencies have changed their organisational structure due to the increasing pace of digitalisation, e.g. the establishment of digital centres/units within the agency, recruiting data scientists, IT-forensic experts;
- what competition agencies can accomplish with the digital transformation, e.g. greater productivity, collaboration, process efficiency and improved investigations;
- the internal challenges of digitalisation, e.g. staff knowledge of digitalisation/AI.

The webinar also contributed to scoping future work on digitalisation from an agency effectiveness perspective.

The Role of Chief/Senior Economists for Effective Enforcement

This multi-year 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.

In 2016-2017, 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 and 2019, building on the results of the survey and feedback received from the AEWG, the AEWG Economics Subgroup held Competition Economics Workshops, where information and best practices were shared, case examples were discussed, and economists from agencies around the world could network to support the importance of economics in competition analysis. A workshop was scheduled for April 2020, but was unfortunately postponed owing to the COVID-19 pandemic. In addition, the AEWG Economics Subgroup planned to hold a teleseminar on the use of screens in antitrust. The panellists and moderator were selected and the date was confirmed with the ICN Horizontal Coordinator. Unfortunately, one week before the teleseminar date, it had to be postponed as one of the panellists indicated that the screening tool they were in the process of developing was not ready for external



discussion. The Economics Subgroup hopes to revisit this topic in another teleseminar in the near future when all panellists are available.

COVID-19 reference tool

As a response to the COVID-19 pandemic, the AEWG has been responsible for updating an unofficial reference tool for ICN member agencies to raise awareness of some of the COVID-19 related policies being implemented by international counterparts. This reference tool will continue to be updated until amendments received are minimal.