

My Fondest Memory of the ICN

by John Pecman, former Canadian Commissioner of Competition and ICN NGA member

I vividly remember my first annual conference of the ICN as if it only happened yesterday. These beautiful memories of the 2008 conference in Kyoto, Japan instantly appear in my mind when I think about the ICN. The gorgeous cherry blossoms accentuated the Kyoto International Conference Center, made famous by the historic United Nations Kyoto Protocol treaty on Climate Change. Nearly 500 participants, competition agency representations and NGAs (non-governmental agents) from 70 or so jurisdictions, were welcomed by then Chair of the Steering Group, Sheridan Scott, Competition Commissioner of Canada. I remember Sheridan's opening remarks were jaw dropping to all when she delivered large portions of the speech in fluent Japanese. As a freshly minted co-chair of the Cartel Working Group, Sub-group 2, responsible for the development of enforcement guidelines and the annual cartel workshops, it was my first opportunity to meet face to face with many of the Cartel Working Group members including the other sub-group co-chair, Mark Pearson of the ACCC, who I had been working with during regular sub-group conference calls. The ICN gathering was electric, a mixture of thoughtful leadership on cutting edge competition issues and of pride by agency heads and representatives as they spoke eloquently about their enforcement and policy experiences. Hot topics for the conference included the Japanese Fair Trade Commission (JFTC) special project on the Abuse of Superior Bargaining Power and cartel issues such as sentencing and settlements which were increasing at the time due to the emergence of highly effective leniency programs. Shared candidly among the agencies were large helpings of their challenges and successes from their enforcement cases and advocacy initiatives often in the context of the ICN work product along with a side dish of warm, unlimited "esprit de corps", a hallmark of this international competition law enforcement club.

As a rookie co-chair of the Cartel Working Group, I was "volunteered" on the spot to report back to the conference attendees on the many cartel break-out sessions. With the help of Ann O'Brien of the U.S. DOJ and Guillaume Couillard from our Canadian delegation, who both scrambled during a coffee break to gather and summarize the reports from each of the many break-out sessions, I nervously delivered the break-out highlights on the main stage panel. I had survived my baptism by fire to the ICN with many thanks to my friends. The host agency, JFTC, rocked the flawless conference which culminated in the high point for me, the cultural dinner. The exotic Japanese food was followed up with traditional geisha performing artists and Japanese drumming (kumi-daiko). The cultural shows were simply breathtaking. I would be remiss not to mention my first exposure to the must-see tradition of every ICN annual conference; Randy Tritell's (U.S. FTC) performance of the host countries' famous proverbs in the native tongue. My favourite Japanese proverb is 出る杭は打たれる (derukui wa utareru). English translation: "The nail that sticks out is struck." What I learned, along with some Japanese proverbs, was about the importance of face to face meetings in both formal and informal settings with international counterparts. These meetings establish trust and build friendships which are the cornerstone of cooperation and collaboration amongst agencies.

We returned to Tokyo by high speed train with most of the Canadian delegation, including our shy and famous Secretariat of the ICN, Nigel Caesar, who like some of our other delegates is very fussy about his food and was starving for some home cooking. As luck would have it, at a transfer train station en route, there was a McDonalds which caused a Team Canada stampede for a much needed burger and fries. As we all sat together tucking into our McDos take-out, the next train from Kyoto arrived and out stepped a

gobsmacked Sheridan Scott who could not believe her team were scarfing down junk food in the heart of Japan. Her team suffered a hard fail that day.

After the Kyoto ICN annual conference I did not miss another one. My invitations were secured as a Working Group Co-chair, then as the Canadian Commissioner of Competition and member of the ICN Steering group. After my retirement from the Competition Bureau, I have been fortunate to be designated a NGA for the Canadian delegation. Even though other annual ICN conferences and workshops may have matched or even surpassed the Kyoto conference in many ways, as my first, it will forever remain my favourite memory of the ICN.