



ICN's Vision for its Third Decade

I. Introduction

The International Competition Network (ICN) is a working collaboration of nearly all the world's competition authorities. It was founded in October 2001 as a consensus-based, informal network that addresses competition enforcement and policy issues of common interest and formulates proposals for procedural and substantive convergence. The ICN's membership has grown to 142 competition agencies from 130 jurisdictions.

In 2010, ICN Chair John Fingleton called upon the network to take stock of ICN's accomplishments and identify goals for its future. The Steering Group launched a network-wide consultation to examine the ICN's strengths and improvements needed. In May 2011, the ICN presented its Vision for its Second Decade (Second Decade Report), addressing both what the ICN does (high level goals and future work) and how it does it (participation, working procedures, and governance). In 2015, ICN Chair Andreas Mundt introduced an initiative to renew the network's Second Decade goals, track progress, and offer suggestions for further improvements to ICN's work and operations in line with the Second Decade recommendations. ICN member agencies and NGAs were invited to complete surveys addressing their participation, views on work product and implementation, and ideas for the ICN's future.

Continuing the ICN's tradition of self-assessment, in 2020, ICN Chair Mundt announced plans for another comprehensive evaluation of the network, called the "Third Decade" review (3D). The exercise included review of the ICN's substantive coverage, tools, and operational framework, with a view to preparing for future developments and challenges as the ICN entered its third decade in 2021. Network-wide consultations included a member and NGA survey and triggered multiple discussion calls and roundtables at ICN events. The purpose of this document is to report the summary recommendations and survey results of the Third Decade consultations to inform network choices over the next decade.

II. Network Challenges

The ICN faces a number of challenges in its third decade, from internal factors such as member resources and network tools for engagement, to external factors such as the ongoing reassessment of competition policy and calls for more competition advocacy.

- *Member resources.* Member agencies cite insufficient resources as the top constraint on their participation in the network. International policy engagement competes for agency attention and resources, and understandably yields to pressing enforcement needs. The ICN has always been mindful of this constraint

on participation in its operational choices. To support member participation, the ICN should continue to pursue important topics of interest to all members; provide meaningful participation opportunities to active members via leadership and speaking roles; carefully consider and limit the burdens that its work imposes via meetings, surveys, projects, and events; and provide excellent value it in the work product that it produces.

- *Network communication.* The pandemic changed the way agencies work, with greater reliance on virtual engagement. The ICN's virtual structure was well-suited to continue to support international engagement and it enabled a quick transition to video calls and reliance on informative webinars. Even after the return to more in-person engagement, the ICN should continue to strengthen its virtual tools via webinars, video meetings, posting recordings for convenient viewing, and even virtual or hybrid workshops. These tools should not replace in-person events, but the transition due to the pandemic have demonstrated that the right virtual tools can improve the ability for the network to connect, share experiences, and advance its mission. Several recommendations address new or reinvigorated network notice and communication tools that inform agencies about ongoing work and upcoming events.
- *Evolution of competition enforcement.* Many jurisdictions are experiencing a broad reassessment of the approach to competition enforcement and the tools used by agencies. Significant reforms have been proposed and some enacted, driven by challenges such as digital market regulation and industry concentration. As a network, we should understand calls for reform and share experiences with changes. Some reforms may bring agencies in closer alignment, others may introduce divergence. Either way, continuing to address and monitor new ideas and learning in competition enforcement allows the network to pursue its key goal to identify and promote best practices on an ongoing basis. A key recommendation for the Third Decade is for working groups to examine all past work product to ensure relevance and identify needed updates. Regular review and updating of ICN work product can help ensure that best practices adapt with new learning and changes. The agility of ICN makes it a prime venue for ensuring that the international community's recommendations are evolving with effective enforcement tools, covering emerging trends and keeping pace with market realities.
- *Demands on agencies for more active competition policy interaction.* In addition to reforms of existing powers and approaches, many members are experiencing calls to address conduct that would expand their mission, possibly beyond competition enforcement. Agencies – competition and otherwise – have been asked to consider broader public policy concerns such as the digital economy's impact on society, economic growth, privacy, inequality, national

economy competitiveness, innovation, and environmental sustainability. Competition policy is of interest and increasing attention for economic ministries, legislatures, and sector regulators. The ICN has discussed and addressed topics that impact or overlap with competition enforcement, notably with its ongoing project on the intersection of competition, consumer protection, and privacy. ICN's third decade likely will call for more such discussions. The network should engage such topics to understand their relationships with competition, communicate to competition agencies and wider audiences about the relationship, craft and apply practical guidance for competition agencies addressing such issues, and promote consistent and complementary solutions.

- *Demands for more global economic advocacy.* The state of the global economy and competition's role in the health of the economy also have the potential to impact ICN operations. For example, the post-pandemic challenges of supply chain resiliency and inflation have led to calls to consider how competition policy might address such concerns and promote economic recovery. Several recommendations embrace this role for the ICN as an advocate for competition and urge the network to actively study economic topics of relevance to competition policy.
- *Essential network cooperation.* Cooperation continues to be a topic of importance to the functioning of the network, both in terms of member enforcement and network operations. Globalization and global markets demand attentive enforcement cooperation if agencies are to strive for non-conflicting enforcement outcomes and remedies. The ICN can play an important role in articulating and promoting effective cooperation principles, and several recommendations address this. The potential for increased international economic uncertainty and shifting economic relationships also may impact the participation needs of member agencies and cooperation within the network. The recommendations include consideration of decision-making processes within the network and working group consensus building around topics of fundamental and practical importance to day-to-day agency enforcement.

III. Aspirations for ICN's Third Decade

We began the look ahead to the ICN's Third Decade mindful of where we want to end, with the following question: "What would you like to see the ICN achieve in ten years' time?" This open-ended, narrative questions was asked of members and NGAs across the network. The responses to this question were detailed and varied. The ideas are listed in order of number of responses and then presented under similar themes.

List of common aspirations for the ICN's next decade:

-  Develop Recommended Practices, encourage their use, and promote convergence

- ✧ Promote inclusive participation across the network, especially for new members and younger agencies
- ✧ Maintain an influential voice on the international stage through advocacy, e.g., with network policy statements
- ✧ Support enforcement cooperation among members
- ✧ Identify and explore new and emerging issues for the competition community, especially related to the digital transformation of the global economy
- ✧ Foster experience sharing among members
- ✧ Engage, advise, and support member agencies to promote implementation of ICN principles
- ✧ Remain a key forum and retain a prominent role in the international competition community

Several key topics emerged from these responses, summarized below and addressed in more detail throughout this report.

Inclusive participation

The largest, related collection of ideas can be characterized as a desire for strong inclusiveness, outreach, and open opportunities for all to participate across the network. Many of these desires note a particular emphasis on including new, less active, and younger agencies. Several responses noted the value of strong, consistent communication for working groups and the network in achieving broader participation.

Type of ICN work

The most-cited single, common desire is for the ICN to continue to promote convergence by examining best practices and producing Recommended Practices.

The second aspect of ICN work cited in multiple responses is experience sharing among member agencies in ICN work and events. Several responses noted that this type of work often facilitates relationship building among agencies.

The third aspect of ICN work cited by many responses is the desire to see the ICN to continue to consider, discuss, and address new and emerging topics and challenges that are relevant to the antitrust community. Two topics were singled out for attention in the next decade: enforcement cooperation and digital markets.

Format of ICN work

The survey responses emphasized four important aspects for ICN work: 1) that work process be transparent and accessible, 2) that the network continue to develop technology tools that extend the reach of the network and make access easy, e.g., hybrid events, archived online materials, 3) that information about working groups, members, ongoing projects, and upcoming events be up-to-date and accessible across the network, and 4) that the network promote implementation and use of its work with support to member agencies.

Voice and stature of the network

Many responses addressed the institutional role and relevance of the ICN. They described the goal of the ICN remaining a “key forum;” or serving a “critical” or “prominent” role; or being the “most relevant” or influential international body for competition policy and enforcement.

Drawing from this idea of stature, many responses cited the desire for the ICN to be a “voice” for competition in the international stage, addressing new audiences, and advocating for competition through network work and joint statements.

Guiding Principles for ICN’s Third Decade





Overall, we have identified five general themes from the set of network feedback. We adopt them as guiding principles and goals for the ICN’s Third Decade.

- 1) Increase participation and inclusion across the network
- 2) Continue to explore a robust variety of topics; develop and update a comprehensive range of work product relevant to members
- 3) Foster greater cooperation between members
- 4) Establish an active voice for the ICN as advocate
- 5) Reinforce the network’s virtual structures to support its mission and first four goals

IV. Recommendations for the ICN’s Third Decade

Below are the top recommendations from the Third Decade feedback and consultations. The complete results of the Third Decade surveys and additional consultations that informed these recommendations are in the annex.

Transparency, Notice, & Communication

-  Maintain an easily accessible online calendar of ICN events of upcoming seminars, workshops, and other ICN programs.
-  Make the News & Events section of the website a reliable source for up-to-date ICN information, regular announcements of upcoming ICN events and ongoing projects.
-  Working groups should send regular updates to all ICN members. The Working Group Chairs should consider an efficient process for such updates, perhaps including periodic consolidated updates to all members or a dedicated portion of the regular newsletter.
-  Working groups should increase transparency and opportunities for input when drafting annual work plans to help ensure that the work of the ICN reflects the needs and desires of its membership. The Working Group Chairs should create a work plan timeline to establish a transparent, consistent, and timely process for work plan development that encourages and includes input from working group members and NGAs.

- ✧ Increase transparency about opportunities for speaking roles in seminars, workshops, and conferences with the goal to promote diversity of voices across all ICN activities.
- ✧ Encourage all members and working groups to engage with NGAs and invite NGAs from a variety of perspectives to participate in working groups and ICN events. Raise awareness about the role and activity of NGAs within the ICN to member agencies.
- ✧ Working groups should consider more ways to involve NGAs in proposing and contributing to work. Groups should seek more input from NGAs across projects where it can be useful.

ICN Events

- ✧ In-person ICN events should consider including a hybrid format allowing online access, to expand events reach to a wider, virtual audience, e.g., making plenaries available to view online. Also, the network should encourage the wider use of seminar recordings, made available to members after the call, to extend the reach and accessibility of ICN seminars.
- ✧ Organize ICN events (in-person and virtual) to allow for meaningful exchange and interaction among member agencies, including the use of hypotheticals and small group discussions, with an emphasis on practical takeaways.
- ✧ Consider more cross-working group or cross-project events or collaborations that can bring together and present ideas and ICN work to a single audience. The experience of the 2021 P&I workshop involving several Working Groups is worth studying for similar, creative events.

Work Product Recommendations

- ✧ All Working Groups should conduct a high-level review of all existing work by their respective groups and report to the Steering Group in time for 2023-24 annual work planning, identifying 1) existing work worth updating and 2) any significant gaps in topic coverage for possible future new work.
- ✧ Continue comprehensive topic exploration and coverage of all that is relevant to competition agencies – both in terms of emerging policy issues and enforcement fundamentals.

Top topics identified across Third Decade feedback:

- Digital markets (and related topics, such as big data, next generation technology challenges, innovation)
- Enforcement cooperation and information sharing
- Competition and economic recovery
- Enforcement fundamentals and investigative techniques
- Sustainability
- Regulated sectors

- Remedies
- ✦ ICN Recommended Practices (RPs) rate as the most used, known, useful, and popular work products. The regular development of ICN RPs should remain a core part of working group planning and output. Each working group should strive to draft new or updated Recommended Practices at some point over the next decade.
- Top 5 identified priority areas for Recommended Practice development:
- Cartels
 - Digital markets
 - Enforcement Cooperation
 - Unilateral Conduct
 - Remedies
- ✦ The ICN should continue to pursue informative, compilation-style work, comparative work products with direct submissions from agencies about their approaches or practices. The top candidates for new compilations are member templates on advocacy and unilateral conduct, and a compilation on cooperation rules or practices.
- ✦ The ICN should continue to pursue cross-cutting work and projects regularly in its agenda. Cross-cutting work products are those that explore the links between different working group topics or between competition and related issues or policies. Examples include privacy, sustainability, regulated sectors, and economic recovery.
- ✦ Continue to build, support, and update ICN’s Training on Demand library to address the full range of competition law and policy topics, with new and updated modules that support and complement existing work, as well as cover topic gaps that are suitable to the educational style of the training modules.
- ✦ The ICN should continue to prioritise international enforcement co-operation in the development of its tools, guidance, and other work products. Working groups should review their co-operation-based tools and consider whether any updates are appropriate. The ICN also should develop new work products related to cooperation, addressing practical guidance about how to undertake different types of co-operation and use of current tools; new co-operation facilitating tools, such as the development of hypotheticals and examples of actual co-operation cases for use in ICN workshops, capacity building initiatives, or in-house training; and how to best address the challenges related to information exchange, including those raised by confidentiality rules.
- ✦ The Steering Group should consider issuing more ‘big-picture’ or thematic network statements or declarations on fundamental consensus principles of competition or addressing common challenges to competition law and policy, perhaps announced via statements in conjunction with annual conference meetings to maximize attention and exposure.

Cross-network coordination recommendations:

- ✦ The Promotion and Implementation (P&I) team should organize a dedicated member reforms assistance program, to support the Steering Group in coordinating ICN assistance to members who seek it.
- ✦ The P&I team should coordinate with the working groups on new implementation initiatives, including promotion efforts, collection of implementation stories, work product use reports, workshop or seminar sessions on implementation, and the development of new self-assessment tools for existing ICN work product.
- ✦ The ICN should continue to engage with international organizations that address competition law and policy issues. Consider ad hoc and continuing opportunities for joint work with other organizations (e.g., joint calls, events, projects, reports, or statements) where interests are aligned, expertise is complementary, and cooperation is efficient.

ICN Operations and Process

- ✦ The ICN should consider establishing a network communications coordinator to support the Secretariat and Chair in ICN social media operations and website maintenance. This function may also be appropriate for a Vice Chair.
- ✦ The Operational Framework should be updated to reflect practices developed over the past decade and to support the goals to increase transparency and set consistent expectations for member participation, roles of the Secretariat, how Working Groups operate, and Steering Group decision making.
- ✦ The ICN should conduct a review of its current use of technology: whether the presentation and accessibility of information meets the needs of members, and whether we can use technology to improve the uptake and utility of ICN information and tools. This should be considered in the context of metrics to assess what ICN material is being used, as this will allow targeted action toward to improving the most useful, or most underutilised resources, as appropriate.
- ✦ The ICN should plan resources for a major website review and potential overhaul before 2026, with a focus on the website's two key uses: 1) communications and update hub for the network and 2) repository of all ICN work, with user-friendly search and accessibility.
- ✦ The ICN should institute an annual check-in with its membership via a brief survey on point of contacts, participation, content and topics, the use of work product and implementation, and any other significant ongoing initiatives or proposals. Updated contact information will ensure that all members receive information on projects and participation opportunities. The member-driven data should be used to inform ICN decision making, topics, and implementation efforts. The Steering Group should consider extending this annual check-in to include feedback from NGAs.

- ✧ Within the next two years, the Steering Group should revisit ICN’s funding guidelines, with the aim to promote and encourage active contributions to support the network’s operations and events across its membership, recognizing the rules and limitations of member agencies. The ICN should consider establishing a funding coordinator to support the Secretariat and Steering Group in publicizing and administering the ICN’s funding guidelines and use of funds. This function may also be appropriate for a Vice Chair.
- ✧ Working Groups are encouraged to name one or more non-chair project leaders for each project undertaken in the working group, working in conjunction with a Co-Chair(s). This is intended to increase leadership positions in the network, promote more opportunities for active engagement in ICN work, and alleviate the burdens of co-chairing working groups.
- ✧ The Working Group Co-Chairs should continue to update and develop written guidance for co-chairs on key, regular process topics, such as annual work planning, updating the website, organizing seminars and workshops, annual conference session planning, implementation efforts, and improving member and NGA participation. Reference guides such as step-by-step checklists for key processes can increase consistency of working group procedures and ease co-chair responsibilities.

Promoting Participation: Recommendations in action

Feedback from Third Decade consultations identified the critical link between network participation and communication. As a focal point for implementation of the Third Decade recommendations directed at promoting participation, the ICN will create the “Open ICN Program.” This group of tools and practices aims to help ensure that all members have opportunities to participate in the network and are aware of these opportunities by bundling and coordinating existing network tools and implementing new Third Decade recommendations including a new baseline opportunity for all members to participate.

We recognize that the success of the ICN is based on inclusiveness, transparency, and participation.

- The welcoming network, ICN is open to participation from all competition agencies.
- The lack of hierarchical structures permits, facilitates and encourages participation.
- ICN is putting members’ needs and participation first. It is member-driven in every sense.
- Inclusion and participation of all members are integral to how ICN works.
- All ICN members have the opportunity, and are encouraged, to get involved.
- All working groups and projects are open to all members.

- Participation is welcome in any form, including drafting papers, replying to surveys, joining discussions to inform written work products, and speaking at events.
- NGAs are welcome to contribute their practical experience.
- Transparency is the basis for participation. The ICN has introduced several tools to keep members and NGAs informed.

Two issues distilled from the Third Decade consultations and feedback.

1. The importance of members and NGAs being informed of opportunities to participate in the network.
2. Differences in resources, time, staffing, priorities, and experience shape members' capacity to participate in different ways. The goal is for the ICN to provide a baseline opportunity for all to participate.

The Open ICN Program

The Program will use a variety of communication tools and institutional opportunities to promote participation. It will combine the good, existing approaches, add what is missing, give it a structure, and make members and NGAs more aware of ICN work and operations.

Communications tools

- Frequently circulated and posted “Get Involved” overview with information on ongoing work and relevant contacts.
- New annual “check-in” to confirm members’ contact information and invite input on participation and suggestions.
- New improved website calendar and posts of upcoming events.
- Co-ordinated working group, web, email, and newsletter updates on ongoing work and opportunities to participate.

Structure

- Existing Bridging Project: one-on-one agency pairings aimed at informing new and interested agencies about opportunities to participate.
- The ICN will create a new Focus Group (IFG) to provide a resource-light opportunity for interested members to access and participate in the ICN’s ongoing work. The IFG will be organized under P&I and in cooperation with Bridging Project. The core of the IFG will be an expansion of open member discussions to include three events: 1) the existing “kick-off” call to preview the year ahead across all work, 2) a new mid-year update and opportunity for input, and 3) a conference preview and proposed work plan discussion, with opportunity for input, as well as ‘Open door’ working group co-chairs calls for interested members.
- Drafting a renewed ICN Working Group Handbook to reinforce practices across working groups that promote participation in projects and events.

V. Conclusions & Third Decade Implementation

The Third Decade surveys and consultations across the network have confirmed the value that member's get from ICN participation and the impact it has had on international cooperation and convergence. Both member agencies and NGAs view the network as an important tool to articulate international standards, advocate for competition policy, and promote the competition culture around the world. The responses also have provided useful suggestions on how to improve the effectiveness of the network.

The ICN constantly strives for improvement. Its informal, open structure and inclusive approach to work are informed by member needs and references through pragmatic self-assessment and aspirational goal setting. This report will inform future proposals to improve efficacy and efficiency of the ICN in its third decade.

The ICN matters because of the impact it has on competition law and competition law enforcement in member jurisdictions – and the survey results indicate that the ICN's work is having a significant impact. 96% of responding agencies said that their agency makes use of ICN work product. More specifically, nearly four out of five member agencies report using ICN work product to inspire specific changes to their laws, guidelines, rules, practices, or training. The survey also produced a comprehensive list of topic ideas for the next decade – both for new work and for updating existing ICN work – and an enthusiasm to continue to explore emerging issues that impact competition authorities.

The surveys confirm strong agency and NGA participation across what the ICN does – with a desire to maintain and increase that participation. Overall, there is a lot of support for the ICN's existing virtual structure, as nearly all the responding agencies and NGAs view the ICN's virtual structure as sufficiently flexible and robust for the network's needs. The survey also solicited ideas on ways to enhance the ICN's communication tools to bolster inclusivity and participation.

The survey responses also demonstrate consensus to continue active implementation support for member agencies as an important role for the ICN. There also is unwavering support for the ICN to continue to engage with other international organizations. The survey comments were very supportive of an active role for the ICN as an advocate for competition principles, with near universal support for the ICN to make network statements on key issues of importance.

As the ICN enters its third decade, members across the network have confirmed that its purpose and worth have never been stronger. Member and NGA participation has never been higher. During the pandemic, members continued international engagement through the ICN, coming together to share timely information on enforcement under unique circumstances. The challenges of economic recovery and the digital economy have shaped the ICN's work and discussions and highlighted the value of experience sharing and exchanges.

The ICN offers its opportunities equally to all agencies, with a unique openness for all members to join and contribute their perspectives to all projects. Every month, multiple virtual discussions bring together dozens of agencies on a variety of issues and hundreds participate in several in-person events hosted by enthusiastic members across the world – including the largest gathering of competition agency heads each year at the ICN annual conference. Member agencies make their own decisions on how to participate based on different resources and capacities, but experience and feedback from members is that they choose to participate in the ICN because the benefits are well worth the effort. The Third Decade recommendations are a commitment that opportunities for member participation will remain a central objective of the network.

The Steering Group will reflect on the ideas collected through the Third Decade stock-taking exercise and implement specific proposals through working groups, projects, and other member-led initiatives, based on member needs and network goals, considering available resources. The Chair and Steering Group will continue to listen to member needs and update the ICN community on the progress of implementing these recommendations and other member-suggested improvements going forward.

Thank you to all members and NGAs for your participation in the Third Decade initiative. As a network created by competition agencies for the competition community, your enthusiasm, support, and ideas are, and will continue to be, the foundation for the ICN's success.

ICN’s Vision for its Third Decade

Annex: Member & NGA survey results



Guiding Principles for ICN’s Third Decade

- 1) Increase participation and inclusion across the network
- 2) Continue to explore a robust variety of topics; develop and update a comprehensive range of work product relevant to members
- 3) Foster greater cooperation between members
- 4) Grow the ICN’s voice as an advocate for competition
- 5) Reinforce the network’s virtual structures to support its mission and first four goals

This report presents the results of the Third Decade surveys and additional consultations around these five objectives.

Guiding Principle 1: Increase participation and inclusion across the network.

A. Nature of Member Participation

Top theme cited; desire to maintain and increase participation. As a volunteer network, more participation has a direct impact on capacity for ICN work. Higher rates of participation and inclusion can also bolster the legitimacy of ICN work that is informed by best practices from participating agencies. Involvement in work development and ICN events also affects implementation, as more agencies feel invested in the ICN’s work and therefore look to ICN work product to inform their own perspectives.

The survey confirms strong agency participation across what the ICN does, particularly with respect to one-off meetings and events, where large majorities reported frequent engagement in working groups calls (55%), seminars (72%) and workshops (65%). Participation in more resource-intensive, longer-term tasks such as developing work product was more split (43% reporting frequent engagement), with contributions to work plans showing the least amount of frequent engagement (38%). This suggests that Working Groups should increase transparency when drafting annual work plans, offering greater opportunities for new ideas and ensuring time for feedback from members and NGAs.

Survey result: How often do members participate in ICN Working Groups or projects?

	always+frequently	seldom+never
Listen to seminars	72%	7%
Attend workshops	65%	9%
Join WG/project calls	55%	17%
Contribute to work product	43%	40%
Contribute to work plans	38%	44%

Survey result: How often do NGAs participate in ICN Working Groups or projects?

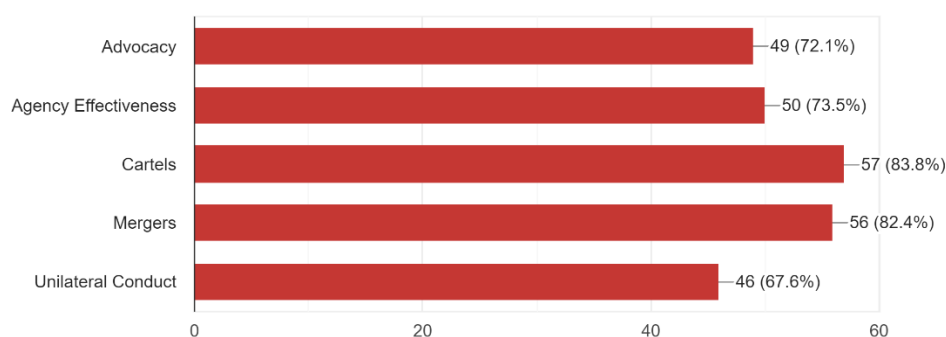
	always+frequently	seldom+never
Listen to seminars	67%	6%
Join WG/project calls	65%	4%
Attend workshops	46%	19%
Contribute to work product	35%	27%
Contribute to work plans	26%	34%

For members that participate actively in ICN work, their participation tends to be multifaceted, with 50% of responding agencies reporting that they participate in all five working groups, and 75% in at least three different ICN working groups.

Survey result: Working groups that members participate in:

Please indicate the working groups that your agency actively participates in:

68 responses



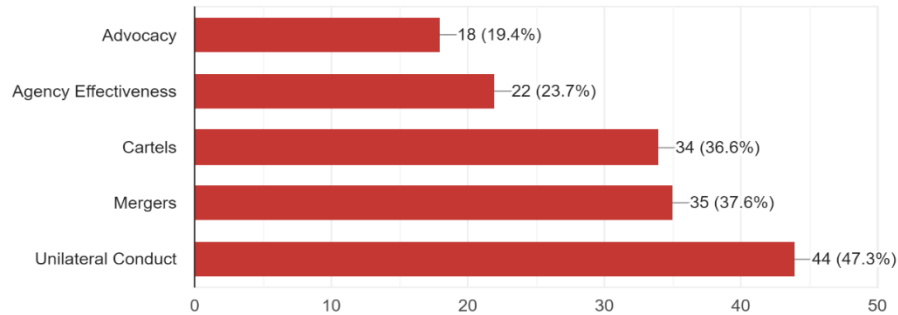
Across all responses, ICN participation is a priority for agencies. Most responding agencies have a dedicated international unit or person that coordinates ICN participation. Most agencies mentioned multiple individuals participate in the ICN by devoting a portion of their time, among other duties, with a typical range of 2-4 international officials devoting significant time and 3-4 (even up to 10-20) involved in specific projects or WGs from elsewhere in the agency.

Many members volunteer to share their voices and perspectives to the network. The survey results show that a majority of responding agencies participated as a moderator or speaker at an ICN event during the last three years.

NGAs

Please indicate the working groups that you actively participate in:

93 responses



***Survey result:* Speaking roles, within the last three years, percentage of respondents:**

	Members	NGAs
Seminar/webinar	58% YES	30% YES
Workshop	56% YES	28% YES
Annual conference	59% YES	27% YES

***Highlighted Response:* What benefits has your agency gained from your involvement with the ICN?**

The survey sought to understand what attracts member participation in the ICN by asking responding agencies to identify the benefits that they accrue from ICN membership. From the responses, the benefits of ICN participation are plentiful and demonstrable. This is a condensed list of many types of benefits that serves as proof that the ICN delivers value across all that it does. The top identified benefits, in order of number of mentions are:

- Knowledge resource
- Recommended Practices/Guidance
- Building relationships with counterparts
- Use of ICN Work Product
- Input into developing best practices
- Strengthening cooperation
- Inspiration for institutional improvements and capacity building
- Access to ICN workshops
- Learning about & shaping latest competition law trends
- ICN seminars
- Annual conferences
- Training materials & ITOD
- Practical enforcement-minded work product
- Domestic use of ICN guidance

- Increased agency visibility/image
- Inspiration for advocacy initiatives

B. Barriers to Participation

In order to better understand how participation might be improved, the survey asked respondents if there were any barriers to their participation in the ICN.

Survey results: Are there barriers to your agency’s greater participation in Working Groups? YES 68%; NO 32%

NGAs: YES 28%; NO 72%

Identified barriers (% of 52 responses)

insufficient agency resources	73%
difficulty with time zones	29%
other priorities*	21%*
language	21%
little practical relevance	4%

**nearly always linked to insufficient resources*

By far, the number one barrier to greater participation is agency resource constraints. While the ICN is not positioned to direct resources to its members, its entire purpose and operations are targeted to providing a low-cost forum for the exchange of expertise among competition enforcers. This cost-benefit value of the ICN as a forum attracts the robust participation it has seen to date, and should continue to drive decisions about ICN operations, keeping low barriers to participation and producing high value work product. While it is good news that the ICN appears not to be adding significant barriers to the ability of its members to participate, the import is clear: keep participation open and manageable.

NGAs

Identified barriers (% of 27 responses)

insufficient resources	26%
difficulty with time zones	37%
other priorities*	15%*
language	4%
little practical relevance	7%
Insufficient communication or information	22%

**nearly always linked to insufficient resources*

C. Ideas to Improve Member Participation

The survey solicited ideas to improve member participation in ICN work (e.g., access, ability, notice of opportunity). Two themes dominated the responses with respect to participation in ICN work product: transparency and the value of technology. First, the

responses stressed the importance of accessible information about ongoing projects in order to make informed decisions about participation. Several suggested centralizing communications about ongoing work and providing reliable notice and updates from WG about upcoming activities and how to get involved. Second, the responses noted the value of online meetings and events. Several suggested ICN pursue more online meetings and hybrid events (remote access), noting the potential for an increase in low-cost participation.

The top suggestions to enhance agency participation are:

- **Support virtual participation.** This involved calls for more digital events to reduce costs and increase participation and organizing in-person events with a hybrid option, allowing for virtual access to elements for wider participation.
- **Consider time and location as factors for calls and events.** This involved suggestions to account for more location/time zone convenience in the timing of ICN calls and seminars, perhaps by rotating call timing. It also included suggestions to hold events across different regions and consider targeted collaborations with regional networks.
- **Increase information about participation.** The responses demonstrated a desire for more transparency about ongoing work, such as regular working group newsletters or updates that outline projects and ways to get involved and other ways to build awareness of opportunities for participation, e.g., an annual all-working group introductory call, and ICN newsletter updates.

Other notable ideas related to participation in the responses:

- ✎ Working Group projects often default to a drafting team, with little involvement for others until a final opportunity for edits (often on a short deadline). Several responses noted that this approach may work against broad engagement, noting that the process of a more deliberative process of working together improves results and deepens relations. They encouraged Working Groups to include more members as project leaders and drafters – not just chairs.
- ✎ Another set of ideas is for working groups and projects to build in and allow for different degrees of participation – creative ways to involve members in a project with different levels of resources.
- ✎ There may be a higher likelihood of participation from non-active agencies if they are asked or invited directly to participate in specific calls or events. This may help overcome lack of information or other hesitancy.

D. Ideas for Member Participation in ICN Events

The survey also solicited suggestions related to participation in ICN events (e.g., comments on format, structure, content, topics, or timing). There were many responses to this question. Three equally strong (and at times related) themes were common in the responses: the need for interaction at events and the desire for more virtual events.

Need for interaction at events. This theme was expressed in the following ways:

- ✧ Focus on providing practical exercises and case studies for hands-on training for case handlers.
- ✧ Keep plenaries focused and concise; more time for interactive discussions and hypotheticals in breakouts.
- ✧ More interaction and discussion in event panels instead of slides and scripts
- ✧ Breakouts must be interactive, not mini plenaries without discussions; smaller groups can help with discussion.
- ✧ Make breakouts practical; e.g., cover three tips or suggestions and what attendees can do to implement them.
- ✧ Include practical wrap-ups of sessions, with takeaways.
- ✧ Several responses specifically expressed a preference for the use of hypotheticals during workshops and other energetic, interactive formats.
- ✧ Value of varying formats and structure: such as lecture style/keynotes, roundtable discussions, hands-on style, interviews, chats, pre-recorded videos. Same for content: balance general/higher principles sessions and ones targeted to specific questions or projects.
- ✧ Provide materials ahead of time.
- ✧ Think critically about the use of technology to facilitate relationship building in virtual events.
- ✧ Responses suggested the need for resources on how to make presentations and sessions more engaging and interactive; elements of a good session, tips, role of moderator, etc., to improve the quality of the sessions.

More virtual events. The responses included the following:

- ✧ Increase use of virtual formats – more virtual events and more hybrid portions of in-person events with virtual access.
- ✧ Blend in-person and online to enable more participation, reduce costs and increase convenience.
- ✧ Recognize that virtual events cannot match in-person interactivity; improve interactivity of virtual events.
- ✧ A caution was noted not to oversaturate agenda with too many online seminars and events; virtual events may be easier to plan but can cause fatigue if too many.

Relationships.

- ✧ By far, the number one identified cooperation-strengthening aspect of the ICN was events, specifically workshops and the annual conference.
- ✧ Primarily this was expressed through “networking” aspects of the events, but the responses also specifically mentioned practical panels and discussions on how cooperation works and interactive breakouts more generally.
- ✧ Many responses tied these events to the ability of establishing contacts, and the link between contacts and building trust from personal relationships and communications, identified as an “essential basis” for effective cooperation.
- ✧ Organize live events across more regions to account for time zones and travel and give more opportunities for all to attend nearby.

- ✿ Several responses suggested considering collaborations among WGs (or with other organizations) for joint events and occasional non-WG events on broader themes or target audiences, e.g, economists.

The survey also sought suggestions to improve interaction during online events. More than half of the comments on virtual events called for **greater interactivity**, with features like polls, Q&A, interviews, use of charts, and dividing the audience into breakouts with discussion facilitators. Several responses advocated for greater use of “pre-reads” or materials made available before the event so that attendees can think ahead and be prepared for discussion. The top suggestion for interaction was the **use of polling** for the audience, followed closely using the breakout format for small group discussions. Other suggestions included the use of a platform for networking or easily accessible interaction, like the platform used at the 2020 annual conference; the consideration of providing more pre-event preparation, materials, and questions along with post-event follow-up to increase engagement; and cautions that virtual events need to pay close attention to timing (length and time zones) and should have dynamic speakers to keep audiences engaged. The format of the 2021 P&I workshop – short sessions at a set time over several weeks may engage an audience in extended interaction and exchanges on specific topics. Several responses argued that virtual events will never be a perfect substitute for in-person workshops, and therefore not to try to replicate in-person events exactly (e.g., avoid longer keynotes or panel presentations). They advocated for a focus on the strengths of online format and find ways that online workshops can use small group discussions.

E. Participation in speaking roles

The survey also asked members and NGAs for comments about ICN speaking roles (e.g., access, ability, notice of opportunity). Again, two themes dominated the responses: the needs for inclusion and information. When considering speaking roles in ICN events, the responses noted the need for a diversity of voices and experiences; expertise in the topic or role; and ability to communicate effectively and engage the audience. Several expressed a desire to see an increase in expert speakers, especially academics. They noted that the need for diversity of perspectives is particularly important at the ICN’s most attended event, its annual conference, and encouraged more creativity in developing or expanding speaking opportunities at the conference, including shared presentations. Several responses were positive about ongoing ICN efforts to diversify speaking roles, noting that gender and geography are frequently considered, and roles are accessible to agencies that contribute to the work. Responses noted that speaking roles are linked to interest and participation; providing a sense of ownership in a discussion or project and can spur more participation. The responses from members and NGAs also stressed the need for more advance information about speaking roles, noting that the selection process or considerations are not always transparent. There were several calls for more transparency and information about opportunities for speaking roles.

Several responses noted the overall goal of promoting interaction among members. They lamented a focus on speaking roles to the exclusion of audience interaction, especially in breakouts. They noted that interactivity and discussions can be more

important than perfectly balanced presentation panels and the need to structure breakouts to avoid seriatim speakers in favor of open discussion and exchange of experience.

F. Non-Governmental Adviser (NGA) Participation

The survey confirms strong NGA participation in the ICN, with 61% of responding agencies reported active NGAs from their jurisdiction. Together, these agencies estimated over 550 NGAs, half having 1-8 NGAs, and approximately 20% having over 30 active NGAs.

The majority of agencies that reported that they do not have NGAs were new and young agencies that are in their infancy, focused on raising awareness and building a culture of competition. Many were unaware of any NGA interest in their jurisdictions. Three responses indicate that there may be value for the ICN to continue to encourage all of its members to engage with NGAs by sharing information about the value and process of involving NGAs. One response cited a lack of clarity about NGA roles, and two explained that they were not required or lacked the power to invite NGAs to participate in the ICN.

Agencies select NGAs in different ways. About a third of the responses described a formal application process with set criteria, often involving a public notice or call for applications. Another third described a less formal process without mentioning specific criteria, based less on selection among applications and more on including all expressions of interest. The final third could loosely be characterized as an ad hoc approach, based on experience with practitioners or academics who are active in cases, the competition bar, or other interactions with the agency. The most cited time period for NGAs was a one (or two) year term, mentioned most frequently by the “formal application” group, but others also described an ongoing process to renew and refresh their NGA pool regularly.

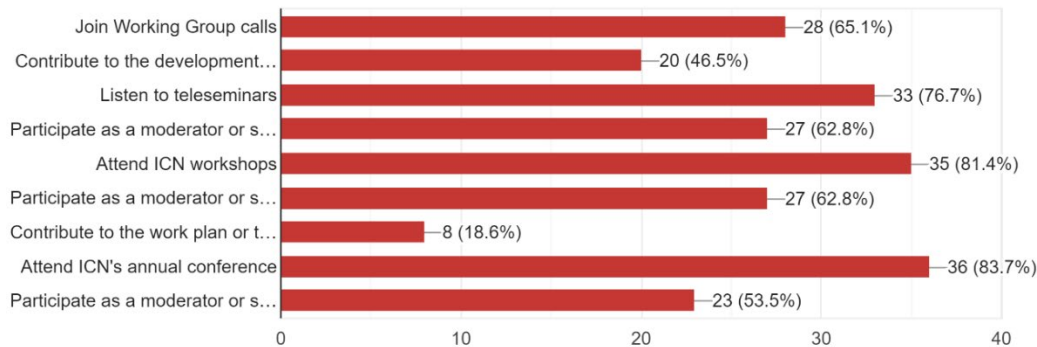
Of note for agencies that lack NGAs or are unaware of interest, several agencies described finding interested and experienced NGAs via ongoing partnerships they have for advocacy activities or other interactions with groups such as bar associations.

Nature of NGA Participation

NGAs participate across all that the ICN does. Member agencies report that NGA participation leans toward one-off meetings and events, where large majorities reported frequent NGA engagement in annual conferences, workshops, seminars, and working group calls. NGA participation in longer-term tasks such as developing work product was more split, with contributions to work plans showing the least amount of frequent engagement.

What is the nature of your NGA's participation? Check all that apply.

43 responses



NGAs were asked how many Working Groups they participate in. Nearly 90% of the respondents concentrate their involvement in one or two ICN Working Groups, with over 60% following the work of a single group.

About half of the responses described active engagement with NGAs via extracurricular events: calls, meetings, and email updates initiated by the agency to update their NGAs and discussion ongoing work and opportunities within the ICN. Examples include a call at the beginning of the ICN year to explain new work plans and calls prior to annual conferences to describe new work and the upcoming event. Another significant portion of the responses described active engagement focused on directly frequent ICN updates to their NGAs. The agencies who described this “conduit” model mentioned ensuring that their NGAs have notice of upcoming calls and events, usually by flagging information that the WGs or ICN have sent out. About a quarter of the responses describe occasional or situational updates to their NGAs.

Several agencies in both active engagement camps take on a “connector” or “facilitator” role by encouraging or asking NGAs to participate in specific projects or speaking roles. Several responses also mentioned the practice of seeking comments or input from NGAs on the agency’s participation in certain projects, to inform the agencies’ own contributions to the ICN.

Highlighted Response: What benefits have you as an NGA gained from your involvement with the ICN?

The survey sought to understand what attracts NGA participation in the ICN by asking respondents to identify the benefits that they accrue from ICN membership. From the responses, the benefits of ICN participation are plentiful and demonstrable. This is a condensed list of many types of benefits that serves as proof that the ICN delivers value across all that it does. The top identified benefits by NGAs are:

- Understanding issues and approaches across different jurisdictions
- Personal connection: opportunity to meet and build relationships with colleagues from different jurisdictions
- Exposure to hot topics, trends, and emerging issues

- Knowledge resource; Recommended Practices/Guidance and other ICN work product
- Exchange of experiences
- Opportunity to contribute to developing best practices and discussions
- Access to ICN workshops, webinars, and conferences

Encouraging NGA participation

The survey sought input on how to attract new NGAs and boost participation of existing NGAs. The responses emphasized two general themes: providing opportunities and promoting diverse voices.

Several responses linked active NGA interest to meaningful opportunities to participate in the work of the ICN and attend ICN events. NGA input stressed the importance of having clearer guidance on the roles that NGAs can fulfil and more information from working groups on opportunities to contribute. Responses stressed the value of offering the limited ICN event invitations and speaking roles to those that are active in ICN projects. More specifically, some replies cited invitations and encouragement from working groups to participate actively and the number of projects that are relevant to NGAs as factors that impact NGA interest, suggesting that working groups include more NGAs in their work, and create more opportunities for NGAs to provide input and speak on events.

Across the board, responses mentioned the need for more explicit invitation or communication to NGAs inviting them to participate in specific projects. Responses encouraged more engagement by working groups in identifying and inviting the type of NGAs they want to contribute to a particular project. Some suggested that working groups set defaults in their work plans that call for NGA input into projects. Some responses noted challenges to NGA participation that are also common for member agencies: the need for improved information about upcoming events and the time zone/timing difficulties for NGAs that are on the late-night side of project calls that are always or frequently held at the same time. Several NGAs suggested work formats that might help draw NGA participation, such as designated NGA perspective papers or surveys on specific issues or short notes from NGAs on a practical experience (substantive or procedural) accompanied by a recommendation to highlight or improve the experience.

Several responses stressed the value of having a diverse set of NGAs, drawing from different professional perspectives (e.g., law, economics, in-house, academics) and from many jurisdictions. Specific encourage was made to include more NGAs from academia, the business community, consumer groups, the judiciary, and jurisdictions new to competition law.

Guiding Principle 2: Continue to explore a robust variety of topics; develop and update a thorough range of work product relevant to members

With respect to ICN work product, the Project sought feedback in two primary areas: the identification of new work topics that are important to members, and members' perceptions of the value of existing types of ICN work. The former will help inform new work proposals during the coming years, and the latter is intended to help evaluate whether to update existing work and what forms new work might take.

A. Topic coverage and future work

First, the Project cast a wide net to solicit topics that members would like to see addressed by the ICN in its Third Decade. In its first 20 years, ICN has covered an impressive slate of topics and issues of relevance to competition authorities, from enforcement topics to policy issues to agency operational practices. In an open-ended question, the surveys asked for any suggestions of specific topics or types of work that agencies would like the ICN to address, specifically encouraging the identification of enforcement and policy issues that the ICN has not yet addressed or that warrant more attention. One specific idea is for the working groups to identify the top issues, problems, or challenges in their subject area, systematically every two years, and then study specific perspectives and solutions offered across jurisdictions. The responses produced a wide range of ideas for possible future ICN work and work type. The top ideas are presented in order by number of mentions.

The overall top response, by far (among members and NGAs):

- **Digital markets**, dealing with technological change (more than 2x any other)

Tier 2 (all closely ranked, all 2x Tier 3)

- **Impact of the pandemic/economic recovery**
- **Environmental sustainability**
- **Enforcement cooperation/information sharing**
- **Convergence in two specific areas: merger control and leniency**

Tier 3 (another cluster)

- Sectoral discussions/cooperation with regulators
- Bid data (cartels, advocacy contexts)
- Advocacy to government
- Procedural fairness
- Investigative tools and techniques
- Enforcement fundamentals
- Intersection with consumer protection and/or data privacy
- Compliance
- Effective remedies
- Intersection with intellectual property issues
- Competition's relationship to innovation
- Economic tools for analysis

- Revise/update existing work
- Training
- Cartel detection
- Behavioral economics
- Unilateral conduct RPs
- Implementation tools
- Bridging Project
- Labor markets
- Inclusiveness
- Inequality

Other ideas mentioned

- Exemptions
- Market studies
- Confidentiality practices
- FDI
- Public Procurement
- Legal professional privilege
- Industrial policy
- Ex officio merger review
- Market intelligence units
- AI
- Vertical mergers
- Fines
- Market definition
- Buyer power
- Agency resources
- SOEs

In a related question, the survey went a step further on desired work product and asked members and NGAs to identify enforcement areas or topics that are ripe of international convergence efforts within the ICN. While related to the previous question, this one was more focused on topics that that might lead to recommendations or guidance. Below, we present the top topics mentioned, presented in order from most to least times identified. While this list presents the collective preferences for new convergence-focused work, it is important to note that the replies also stressed the desire to see existing ICN recommendations updated as needed.

Tier 1, both topics had twice the number of mentions as any other

- Digital Economy/digital markets
- Cooperation/framework for sharing information

Tier 2, multiple mentions across different responses

- Unilateral Conduct/Abuse of Dominance
- Merger analysis and process
- Investigation tips

- Procedural fairness
- Competition during a crisis/economic recovery/pandemic impact
- Model leniency
- Remedies
- Exemptions from competition law
- Confidentiality
- Sustainability
- Labor markets
- Vertical restraints

Tier 3, other ideas mentioned

- Buyer power
- Advocacy to public sector
- Data protection
- National champions/industrial policy
- Create a case repository
- Unprocessed cases

B. Evaluating Existing ICN Work Product

In its twenty years, the ICN has produced a treasure trove of work products in a variety of formats, covering a wide range of competition issues, and all made available on its website. The ICN Work Product catalog lists over 150 distinct work products. This work is widely known and used across the network: an impressive 96% of responding agencies reported that they are both familiar with and use ICN work product. 94% of NGAs responded similarly.

There are six basic types of ICN work: “recommended practices” or agency guidance; practical manuals or workbooks; one-off or series of discussion seminars; workshops; comparative reports; and training video modules. Each type has a different purpose.

Recommended Practices and other guidance. This is the ICN’s most prominent work product category. They are consensus, aspirational recommendations for all member agencies to consider.

Practical manuals. This category of ICN work product includes practical, case-handler focused, jurisdiction neutral, manuals on day-to-day enforcement topics. Each enforcement working group – Cartel, Merger, and Unilateral Conduct – has a staff-focused work product of this type.

Comparative reports and compilations. This category includes the largest volume of ICN work, comparative or informative reports or templates that compile, highlight, and compare enforcement practices and policy perspectives from around the world. These reports or template compilations often cite examples from specific jurisdictions.

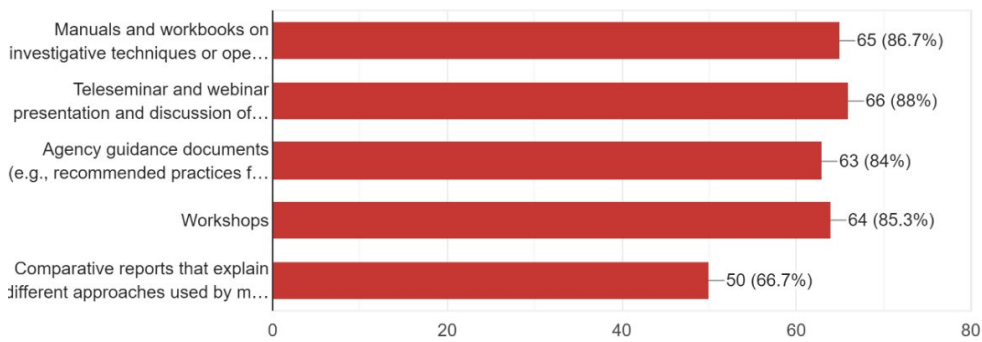
Seminars. These one-off or series of calls are usually organized by working groups as part of annual plans, often focusing on new and emerging issues or informing ongoing projects with select, expert speakers.

Workshops. Each working group organizes regular, multi-day in-person workshops for targeted audiences (e.g., cartel enforcers, merger investigators, or economists). These events include a range of formats from policy discussions to training-style exercises for case handlers.

ICN Training On Demand. The ICN has produced over 30 online training modules, consisting of video lectures and accompanying materials from a diverse group of international academics and practitioners as an on-line learning center for competition authorities.

ICN working groups produce work in a range of formats. Please indicate which types of ICN materials have been useful to your agency.

75 responses

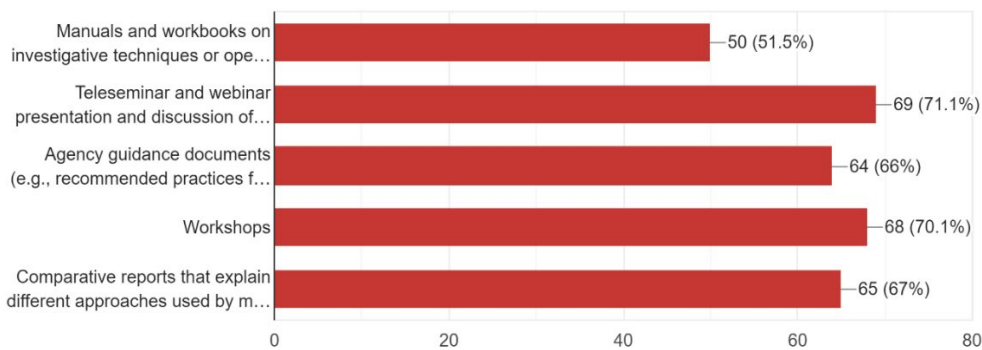


**note that Training on Demand is addressed separately below*

NGAs

ICN working groups produce work in a range of formats. Please indicate which types of ICN materials you view as useful.

97 responses



There is clear support for all types of ICN work product. Comparative reports may be relatively 'less used,' but are still identified by 2 out of 3 respondents as useful. Such reports often are used by the ICN as an entry point into a new project in order to assess perspectives and possibly enable the group to develop consensus principles in follow-on work. Based on these results, we recommend that ICN working groups and projects continue to pursue a variety of types of work product across topics.

The survey also asked what type of work is viewed as *most* useful to members. The narrative replies are consistent with the above chart, with broad, similar support for manuals, guidance, seminars, and workshops – and reports a notch below. The NGA survey also asked respondents about the usefulness of ICN work Product. Again, all basic forms of ICN work are valued, and in generally similar ways, with one understandable difference: manuals and workbooks targeted to the day-to-day practices of enforcement staff are relatively more valued by agencies, whereas comparative reports that highlight differences across jurisdictions are relatively more valued by NGAs.

Survey results: Perceptions of most useful format of work product

	Member Agency Rankings	NGA Rankings
1	Recommended Practices & guidance (29 mentions)	Recommended Practices & guidance (29 mentions)
2	Manuals & workbooks (25 mentions)	ICN Reports (19 mentions)
3	Workshops/conferences (21 mentions)	Seminars (18 mentions)
4	Seminars (17 mentions)	Workshops/conferences (16 mentions)
5	ICN Reports (11 mentions)	Manuals & workbooks (10 mentions)

C. The Project sought feedback on several specific formats of ICN work.

Recommended Practices

Given the important role that Recommended Practices play in implementation and use, RPs have become a core part of WG work planning and development. RPs are viewed as the basis for common understanding among agencies and across jurisdictions. Consistent with earlier responses that identified recommended practices as the most useful of ICN work product formats, there is strong support for continued development of ICN Recommended Practices, with 82% of member respondents and 89% of NGAs answering that the ICN should prioritize more RPs on more topics. Developed from the very start of the ICN, RPs are the ‘gold standard’ of ICN output and the purest reflection of the ICN’s mission to promote convergence. The topics chosen for RPs and the process in developing them remain consistent with the core objective of the ICN to identify and articulate consensus principles.

The responses identify a variety of ideas for potential new recommended practices, recognizing that it should remain based on the typical working process to articulate consensus principles. In addition to the new topics, several replies emphasized the value of continuing to update existing RPs, as needed, with new learning.

Top topics for proposed new Recommended Practices:

- Cartels/collusion/leniency (#1 for members and NGAs)
- Digital Markets (#2 members; #3 NGAs)
- Cooperation/Cross-border investigations/exchange of confidential information (#3 members)
- Unilateral conduct/dominance (#4 members; #2 NGAs)

Other topics mentioned:

- Remedies/Settlements
- Sector-specific recommendations
- Procedural fairness
- RFIs
- Compliance
- Cooperation with regulators
- Fines
- Non-cartel agreements
- Searches/Raids
- Buyer power
- Vertical mergers
- Data gathering
- Advocacy

Compilation style work

The surveys asked about “compilation” style work products with direct submissions from agencies about their approaches or practices. Four examples were provided: merger templates, cartel templates, CAP templates, and the market studies information store. The responses were very positive about the value and use of the ICN’s compilation style work. Many stated that this type of work is a great resource and can serve as inspiration for other agencies that review it. NGAs stressed the value of these compilations as a reliable resource for their work following competition law enforcement, citing the Market Studies Information Store as their top-rated compilation. Large-scale compilations can promote better understanding of other agencies’ practices and policies, act as a reference or benchmark to an agency’s own, and spark ideas for new or updated ones. However, many also recognized that the value is linked to the need and challenges of regularly updating this type of work. Many responses suggested greater promotion of the ICN’s compilation resources.

Ninety percent of the member responses and ninety-two percent of the NGAs responses agreed that the ICN should continue to update and pursue compilation-style work. There were a variety of ideas for new compilations, all similarly grouped with a few responses each. The top idea mentioned was the need to regularly update the existing compilations to ensure usefulness. The top considerations for potential new compilations are member templates on advocacy and unilateral conduct, and some form of compilation on cooperation rules or practices.

Most identified ideas for “compilation style” work and new templates (in order of number of mentions):

- **Update existing compilations/promote them more*
- **continue Market Studies updates*
- Unilateral Conduct template
- Advocacy template
- International Cooperation practices
- Digital economy
- Internal training materials
- Agency guidelines
- Case studies
- Compliance programs

The high use numbers and interest in continued and new compilation-style work support the conclusion that the ICN should continue to pursue this type of work. A major caution from the views should accompany such recommendation: working groups should carefully consider their capacity to update compilations as they assess whether to pursue or maintain such work.

Use of ICN compilations, % of respondents who have used or consulted:

	Members	NGAs
Merger templates	75%	55%
Cartel templates	74%	53%
Market studies information store	76%	50%
CAP templates	67%	29%

Cross-cutting work

The surveys asked about “cross-cutting” style work products that explore the links between competition and related issues or polices. Examples include the ICN’s work on competition & privacy, competition & the judiciary, competition & procurement, and competition & regulated sectors. There is clear, strong support for this type of work to continue within the ICN, with 96% agreement from the member responses and 90% from NGAs.

By their nature, many of the ‘cross-cutting’ topics are outside of or span multiple working group topic areas, and therefore it might be difficult to include them in the typical process to identify ICN future work. In the past, the Steering Group has initiated and considered these ideas alongside working group work planning, often forming special groups to pursue topics of interest. There were a many of ideas for new cross-cutting topics. We note that the top two ideas are topics of recent or ongoing work within the ICN, and it might be prudent to see such work through before adding

additional cross-cutting projects, although working groups should remain free to explore these ideas within their contexts.

Most identified ideas for new or continued “cross-cutting” work (in order of number of mentions):

Top three responses for both members and NGAs

- Intersection with data privacy and/or consumer protection
- Digital Markets/Big Tech/emerging technologies/data science
- Sustainability/environment

Other topics with multiple mentions

- Intellectual Property
- Regulated Sectors
- Public Procurement
- Industrial policy/national champions
- Economic crisis/recovery
- Inequality/inclusive development
- Gender
- Judiciary

Additional Ideas mentioned in one reply:

- Innovation
- Corruption
- FDI
- Private enforcement
- Intellectual property

ICN ‘Town Hall meetings’

The member survey asked about ICN “Town Hall meetings” or network-wide discussion seminars on the state of the network and substantive topics. Examples have included annual seminars on annual work plans and substantive discussions on topics such as public interest standards for merger review and agency operations during the COVID-19 pandemic. Over 70% of responding agencies and 43% of NGAs had participated in such calls, with 96% of members and 93% of NGAs rating the calls as useful. 90% of the responses urged the ICN to continue to pursue occasional, large-scale calls on important network updates and ‘hot topic’ substantive topics.

The survey also asked for examples of topics for such calls. The responses shared a theme: network-wide discussions should cover higher-level, strategic issues or hot topics common to member agencies across the network. The issues identified are presented below, in order of the number of times mentioned across the responses. Top topics in bold.

- **Enforcement during times of economic crisis**

- **Digital markets, platforms**
- **Competition policy & enforcement to support economic recovery**
- **Enforcement cooperation in international investigations**
- **Trends in enforcement or policy**
- **Competition policy & enforcement to support environmental and social sustainability**
- Reforms to competition laws
- Approaches to agency prioritization
- Post-COVID state aid
- Implementation success stories
- Perspective from new enforcers (new heads of agencies)
- Fintech
- Agency IT tools
- Best of WG programming
- AI
- FDI
- Ex officio functions, especially merger control
- Court room do/don't-s for agencies
- Independence of competition agencies

ICN's Training on Demand

The ICN's Training on Demand library of over 30 video modules has become one of ICN's most popular and sustained work formats. The aim of the project is to create a comprehensive curriculum of training materials to serve as a virtual university on competition law and practice for competition agency officials. Training modules, consisting of video lectures and accompanying materials from a diverse group of agencies, academics, and practitioners, provide an on-line interactive educational center for competition authorities from around the world. Ten videos have over a thousand views, and the top two have been viewed over 10,000 times.

The survey responses confirm the library's value, use, and room to grow. 84% of responding agencies reported using the videos, with 94% of users rating them as "useful." 58% of responding agencies have integrated the videos as part of their own internal training for staff.

The narrative suggestions for the Training on Demand project included much enthusiasm and support. Suggestions to improve the project:

- Periodically review and update modules.
- Consider more use of enforcement case examples.
- Continue to expand list of offerings.
- Interactive features and assessment tools, such as quizzes.
- Continue mix of formats/presentation styles.
- Integrate transcripts, more subtitles.

- Favor interactive formats with discussion or role playing. More animation.
- Regular review of use statistics and feedback.
- Continue to use a diverse set of speakers and perspectives.
- Consider work related to reviewing internal training programs, particularly support for younger agencies' programs.
- Establish a contact list/network of agency trainers to identify needs and distribute videos.
- Emails on new video releases; polls on next topics to cover.
- Shorter modules/shorter segments.
- More practical experiences by case handlers, to case handlers.

Guiding Principle 3: Foster greater cooperation between members

Seeking to improve co-operation, in particular enforcement co-operation between competition agencies was one of the driving factors behind the ICN's creation, and it remains core to the purpose and activities of the ICN. The ICN's mission statement includes a commitment to "seek to facilitate effective international co-operation." Enabling effective international enforcement co-operation was one of the five high-level goals of the ICN identified in the Second Decade Follow-up Report. The Third Decade survey has given us further insight into what past ICN work product agencies find useful and what they want in the ICN's Third Decade.

In addition to the co-operation work the ICN has undertaken itself, there have also been collaborative efforts between the ICN and the Organisation for Economic Co-operation and Development (OECD) to understand the extent to which agencies cooperate on enforcement matters, including how and when it occurs, and the benefits and challenges of co-operation. This started with a 2012 joint ICN/OECD survey of member competition agencies¹, which helped to gather valuable data and insights on inter-agency enforcement co-operation that, in turn, helped guide the ICN's work on enforcement co-operation². In 2019, the ICN and OECD issued a follow up survey and released the first ICN/OECD joint report on International Co-operation in Competition Enforcement (Joint Report) in early 2021, which provides detailed analysis on the current state of co-operation and additional work that may be of benefit in the future.

The results from the Third Decade survey (3D Survey) and the Joint Report support the ICN's continued efforts to promote and support international enforcement co-operation. Along with ICN member experience, they have informed the recommendations proposed in this chapter, which aim to advance opportunities for the ICN to promote

¹ OECD, *Report on the OECD/ICN Survey on International Competition Enforcement Co-operation* (2013).

² See www.internationalcompetitionnetwork.org/working-groups/icn-operations/co-operation/

and improve enforcement cooperation. These recommendations relate to four categories of proposed focus for the ICN in its Third Decade:

1. Ensuring work product meets members' needs, including:
 - a. Updates to existing co-operation work product; and
 - b. Developing new guidance and tools to support enforcement co-operation.
2. Promotion and implementation of co-operation related work
3. Consistency of approach to co-operation across ICN working groups
4. Improved focus on co-operation activities and cross-organisational alignment.

Key sources of information for the ICN about the current co-operation landscape

3D Survey

A significant portion of the 3D Survey questions were targeted at enforcement co-operation or had an enforcement co-operation focused perspective. The questions centred on the utility of the existing enforcement co-operation tools, as well as the future work the ICN should undertake to improve enforcement co-operation.

Aggregated results from the 3D Survey showed that there was widespread knowledge of the ICN's co-operation related tools and guidance amongst members. For instance, over 76% of respondents indicated they were aware of the ICN's Framework for Merger Co-operation, while over 73% had used the equivalent cartel co-operation framework. Around 65% of respondents had used the cartel leniency and/or merger confidentiality waiver templates.

The responses to the 3D Survey also demonstrate that ICN members deeply value enforcement co-operation, and would like to see the ICN continue to work to develop effective enforcement co-operation tools, and breakdown existing barriers. For instance, 3D responses highlighted that:

- strengthening enforcement co-operation is one of the primary benefits agencies have gained from their involvement with the ICN
- enforcement co-operation and cross-border remedies are some of the top enforcement and policy issues on which members would like the ICN to focus
- enforcement co-operation and exchange of information are among the top four areas identified by members for ICN convergence work
- member demand for the ICN to leverage its strengths in creating practical tools to further support international enforcement co-operation.

Existing co-operation work

The 3D Survey asked members to reflect on the ICN's existing co-operation tools. Overall, most respondents were familiar with the co-operation tools available to members. Further, respondents generally identified that ICN tools had been helpful in fostering general and specific co-operation. The tools identified by respondents included:

- Merger and cartel co-operation frameworks
- Practical guidance on co-operation
- Model waivers and enforcement topic templates
- Past OECD/ICN work on co-operation
- Work on agency process and procedures
- Seminar series on co-operation

New work

Survey respondents were overwhelmingly in favour of the ICN's continued focus on co-operation. More than three out of four responding agencies agreed that the ICN should prioritize more work product devoted to tools that facilitate agency enforcement cooperation. Respondents suggested several new or updated tools the ICN could produce that would enhance the ability to cooperate. These included:

- Practical guidance on how to cooperate on enforcement matters
- Case studies of actual co-operation, including successful and unsuccessful examples
- Hypothetical co-operation scenarios
- Templates (for example, a waiver template) for unilateral conduct matters
- An updated and unified list of member agency cooperation contacts, providing agency cooperation contact details for all subject matter areas.

Another key theme that emerged from the responses was that limitations on information exchange, including through confidentiality rules, remained a persistent and significant obstacle to co-operation. This was also one of the main barriers identified in the Joint Report. The ICN can undertake activities to address these barriers, in co-ordination with other multilateral organizations and domestic advocacy activities by competition agencies.

Joint Report

In 2019, the ICN and OECD issued a follow up survey and released the Joint Report in early 2021. The Joint Report provides detailed data and analysis regarding the state of enforcement co-operation between agencies and identified potential focus areas for future attention. It provides an overview of the context and drivers of enforcement co-operation, a summary of the ICN and OECD's work on enforcement co-operation, and qualitative and quantitative data from ICN/OECD competition agencies. The Joint

Report addresses the benefits, challenges, barriers, and types and frequency of international enforcement co-operation being undertaken by agencies (both internationally and within regional arrangements, and across enforcement areas).

The Joint Report highlighted co-operation trends and positive developments since the first survey in 2012. For instance, enforcement co-operation has been trending upwards, and agencies both big and small, young and mature reported that they consider enforcement co-operation to be a priority. Agencies benefit immensely from successful enforcement co-operation. A number of agencies noted that globalisation and digitalisation have increased the need for both policy co-operation and enforcement co-operation.

The Joint Report also showed that respondents still faced significant challenges that limited or prevented effective enforcement co-operation between agencies, including:

- resourcing
- co-ordination/timing of reviews
- legal limitations, especially relating to:
 - confidential information sharing
 - investigative assistance
 - enhanced co-operation
- trust and reciprocity
- practical issues (e.g., language, time differences etc.).

Many of the co-operation success stories highlighted in the Joint Report demonstrate commonality in that the participating agencies had strong pre-existing relationships and a history of co-operation, coupled with the underlying legal ability to work with each other. It seems a virtuous cycle exists where the propensity to cooperate grows as agencies work together successfully, and develop a common understanding built on trust and reciprocity. This supports convergence and/or strong mutual understanding of each other's practices.

The Joint Report set out future focus areas that the ICN, OECD, and competition authorities could consider to improve enforcement co-operation. Broadly these are:

- developing further enforcement co-operation work-products and networks;
- improving transparency and trust between jurisdictions;
- providing policy and practical support for further developing effective enforcement co-operation, including at regional level; and
- removing substantive and legal barriers to co-operation.

The Joint Report complements the findings from the 3D survey responses, where ICN members recognised the value of the ICN's existing work in enhancing enforcement co-operation and suggested potential avenues for new work.

Improving coordination and focus on cooperation with the ICN

The ICN has a key role to play in enhancing both general and enforcement co-operation between competition agencies. ICN events and activities carried out by working and special project groups are essential in fostering a productive co-operation environment, convergence of approaches and practices where possible, and ensuring a better understanding of each other's systems. In particular, the ICN's ability to synthesize, harmonise, and codify good practices, develop helpful tools, build relationships, and increase the understanding of the institutional and legal context across jurisdictions has enormous potential to improve interagency enforcement co-operation.

When approving the Joint Report, the Steering Group agreed that within the ICN there is currently momentum, detailed knowledge of the issues and expertise that can be utilised to improve international enforcement co-operation. At the same time, the Steering Group determined the ICN could benefit from a more consistent focus on co-operation.

For this reason, the Steering Group created a Special Project Group on International Co-operation (Co-operation Group) to consider and co-ordinate issues relating to international enforcement co-operation and promote initiatives in this crosscutting area. The Co-operation Group currently consists of five Steering Group Members (ACCC, Hungary GvH, Italy AGCM, Portugal AdC, and the US FTC). The Co-operation Group's developed recommendations for the Steering Group, and supports network-wide attention to co-operation in these areas:

- a) ICN co-operation work, which involves developing:
 - i. additional practice-oriented co-operation work products;
 - ii. longer-term co-operation initiatives;
 - iii. updates to existing ICN work product
- b) Improved mechanisms for:
 - i. coordination and oversight of the ICN's co-operation work, within the ICN's structure;
 - ii. promotion and implementation of existing co-operation work;
 - iii. engagement with other international groups, such as the OECD and UNCTAD that are also working in this area
- c) additional short-term projects, including updating the ICN website as it relates to enforcement co-operation and increasing visibility and awareness of existing co-operation related work products.

Guiding Principle 4: Grow the ICN’s voice as an advocate for competition

Perhaps the most intriguing theme to emerge from the surveys is the support for the ICN to consider and pursue a more active voice as an advocate for competition, supporting its members and sharing its messages beyond the network. The first active words in the ICN’s Mission Statement are “to advocate.” Advocacy for sound competition policy is the first of three primary aims of the network, alongside driving convergence and facilitating cooperation. Competition advocacy has been a key topic of the ICN’s agenda from the very beginning. The Advocacy Working Group has shared experiences on promoting a “competition culture” and developed tools to inspire competition agencies as effective advocates for competition.

There are three tiers to the ICN’s advocacy role: to members, through members, and as a network to others. We will examine each in sections covering implementation, interaction with other organizations, and the ICN as an advocate.

A. Implementation

The most familiar and developed of the three tiers is ICN’s advocacy to members, via implementation efforts, both in terms of promoting its work product as well as implementation advice to specific members.

For a voluntary, non-binding network, promoting the use and implementation of its recommendations can be a challenge. ICN work product is aspirational, leaving agencies to decide for themselves whether and how to implement the best practices they learn from the network. The ICN relies on the consensus nature of its work, envisioned and developed by and for the member agencies. ICN work product is respected as a resource because it comes from the lessons learned within the competition community.

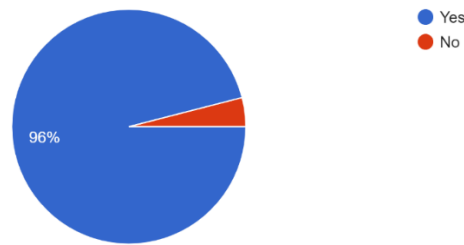
An implementation ethos has developed within the ICN over the last decade, from ad hoc efforts to more structured ways to promote work product. A group dedicated to implementation efforts named the “Promotion and Implementation” team works within the network to support working groups and members seeking ways to use ICN work product. To date, the ICN has seen very positive results in terms of member agency use of its work product. More active and systematic support for implementation will help maintain the ICN’s goal of producing work product that matters.

Survey results: The top five identified tools for building awareness of ICN work product are:

- **Newsletters/regular updates**
- **Website updates**
- **Social media promotion**
- **Emphasize implementation at all ICN events**
- **Working Group update emails**

The member survey results indicate that the ICN’s work is having a significant impact. 96% of responding agencies said that their agency makes use of ICN work product. Further, according to respondents, ICN work product is being made broadly available in member agencies, most specifically to case handlers: 95% of responding agencies said that they distribute ICN materials within their agencies, with the most common recipients being case handlers (93% of responses), economists and lawyers (88%), and senior management (83%).

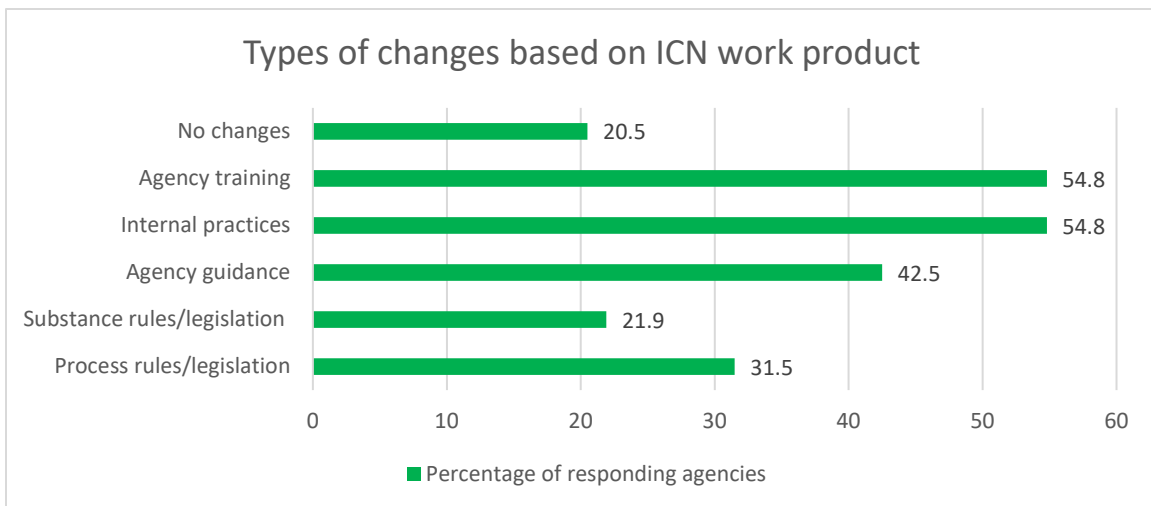
Does your agency make use of ICN materials?
75 responses



More specifically, nearly four out of five member agencies report using ICN work product to inspire specific changes to their laws, guidelines, rules, practices, or training. Members are most likely to use ICN work product (in order of relative frequency):

- 1) to adopt changes, such as developing new guidance or procedures for the agency,
- 2) as reference materials to benchmark or compare their own internal practices with others’,
- 3) for direct use in cases, advocacy, or studies,
- 4) for staff training, and
- 5) for better understanding of counterpart agencies and their practices.

Survey results: Primary types of changes inspired by ICN work product



Responding agencies were also encouraged to identify specific ICN work that their agency has used to inspire and inform changes. In line with the general use numbers above, the list of examples of use of ICN work product is impressive – naming and covering all types of ICN work. Nearly 70 specific ICN work products were identified by name across the member responses as having been used to inform their work – an incredible confirmation of the breadth of value offered by ICN work product.

One of the top uses of ICN work product is internal staff training. Nearly two-thirds of responding agencies used ICN materials for training within their agencies. Many responses explained how agencies use ICN Work product for training. As confirmed by an earlier chart, many responses emphasized that the agency circulates ICN work product within their agency or post them on internal websites. The top ICN tool used for training is the ICN Training on Demand set of online videos, and agencies also mentioned using ICN Recommended Practices, manuals/workbooks, and seminars to help train their officials. They mentioned using or replicating ICN work or seminars for ad hoc internal presentations or seminars, or assimilating ICN work into internal training programs. Many emphasized the use of ICN materials particularly with new employees. Some use ICN work to inform or inspire internal practice handbooks used by staff for day-to-day operations and investigations. A few responses urged the ICN to better capture workshop sessions or seminars through recordings that can be used by members.

The survey also sought feedback on the types of implementation initiative used by the ICN, as well as ideas for how to improve implementation efforts.

NGA use of ICN Work Product

Perhaps overlooked by member agency implementation, it is clear from the survey results that NGAs find value in and make use of ICN work product. Of particular interest and applicability, several academic NGAs explained that they use ICN work product in the classroom as part of their teaching resources on comparative competition law, and several private practitioners mentioned that ICN work product can be helpful to inform advice to clients and submissions to agencies or courts. The top ways that NGAs explained how they use ICN work product are (in order of relative frequency):

- 1) in teaching and research/reference
- 2) for better understanding of competition agencies and their practices
- 3) as reference materials or guides for clients to understand agency perspectives
- 4) for direct use in cases or advocacy; cited to courts and agencies

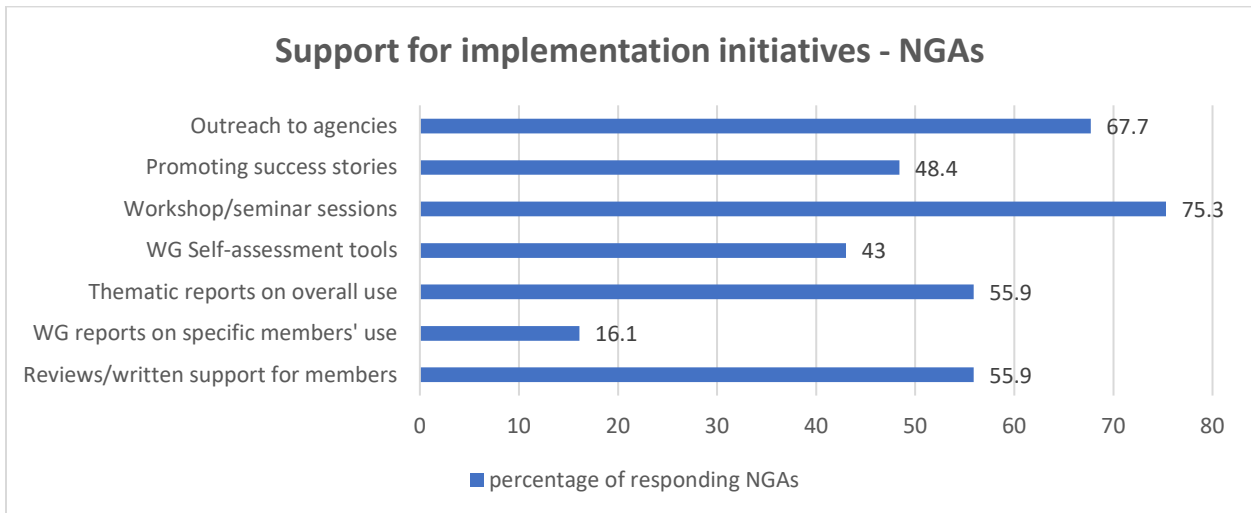
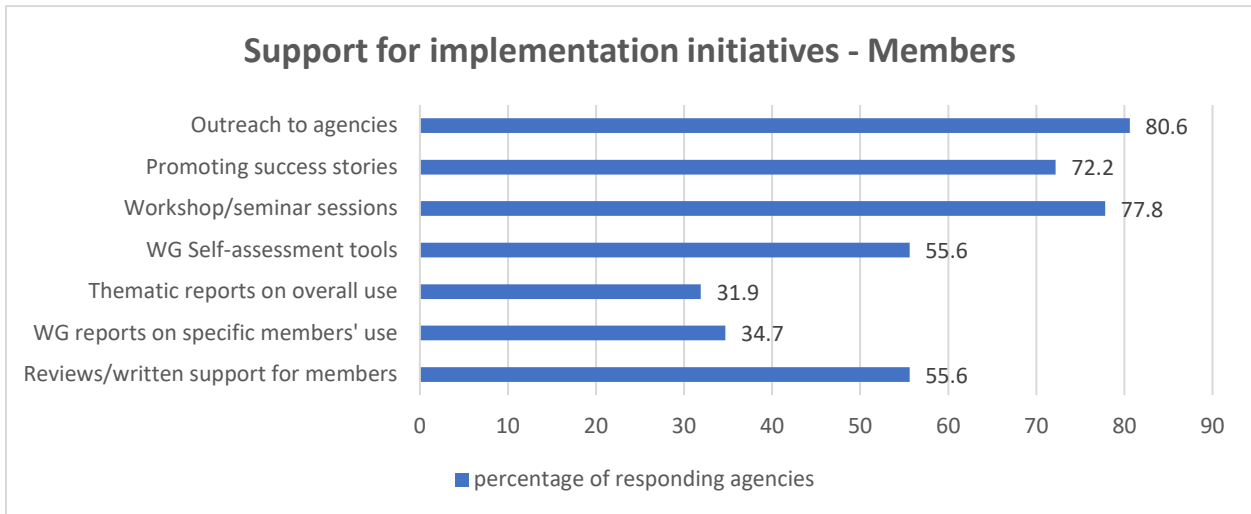
Across the NGA submissions, more than forty specific ICN work products were cited for their utility. The top mentioned ICN work product by NGAs were:

- Merger RPs
- UC workbook
- Dominance in digital markets report
- Anti-cartel enforcement manual
- Enforcement templates

- Merger remedies guide

B. Implementation Initiatives

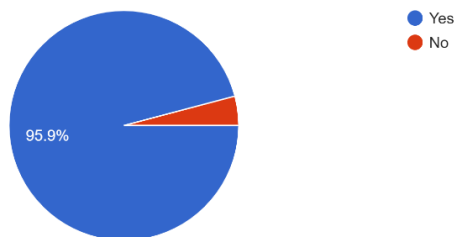
Survey results: Indicate your support for the following implementation initiatives (choose all that you support):



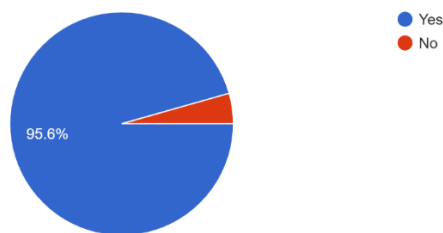
There is high member support for outreach and presentation initiatives including experience sharing of implementation efforts and showcase sessions during ICN events. There also is majority support to explore more working group-level tools for agency self-assessment and offering written advice and support for interested members pursuing reforms. Responding agencies expressed less support for working group reports that track overall or specific use of work product.

The survey responses demonstrate that members approve of active implementation support for member agencies as an important role for the ICN.

Should the ICN continue to support its members' domestic roles and advocacy, e.g. assistance with reforms?
73 responses



Should the ICN continue to support its members' domestic roles and advocacy, e.g. assistance with reforms?
91 responses



Several responses affirmed the value of support from international colleagues when advocating to other governmental entities. The top suggestion, by far, was to maintain an active and accessible program to provide implementation advice from the ICN to interested members. The responses described a case-by-case approach, perhaps with active monitoring of opportunities to assist members undergoing reforms, with targeted interventions tailored to the circumstances of the interested member. The most often mentioned format was letters of advice from the ICN (SG/WGs/P&I) to the member agency explaining ICN work and recommendations.

The responses also mentioned other ideas to support implementation efforts by member agencies. For instance, several responses identified training materials or training sessions on ICN work for interested agencies. Other ideas included establishing one-on-one liaisons for agencies considering reforms, establishing a “panel of experts” within the ICN to address requests for implementation assistance, holding more implementation-focused events, and developing a peer review process for interested members.

The ICN offers formal advice to member agencies seeking support for reforms that relate to ICN work product. On several occasions, the Steering Group has written to agency members who have requested advice, offering ICN expertise and encouraging new rules and practices that are consistent with the ICN’s recommended practices. Several responses supported more vigorous member assistance and consultations on

draft reforms for interested member agencies, noting that the ‘ICN brand’ is important and can lend credibility to agency reform efforts. Across a network of 140 members, reforms are considered and implemented regularly. This provides the ICN with the opportunity to play the role of critical friend or sounding board through direct advocacy assistance to its members. The ICN can do more systematic advocacy assistance by identifying reform efforts earlier, raising awareness of ICN resources to that can inform reform efforts, and following through with advice to interested members.

Survey results: Ideas or methods for implementation initiatives to promote awareness and use of ICN work product.

Responding agencies offered a robust and varied list of ideas for consideration to bolster ICN implementation efforts. We present them all for consideration.

- Promotion of ICN work through ICN social media and the ICN newsletter
- Promotion of ICN work and implementation stories at ICN events
- Share successful implementation stories systematically
- Surveys on work product use and Working Group reports on consistency & use of work product
- Promotional value of bundling similar work product or work product with same target audience
- Regional or targeted audience seminars
- An annual newsletter or update dedicated to new work product
- More WG tools for self-assessment of RPs/guidance/other work product
- Outreach to younger agencies via initiatives such as the Bridging Project
- Increased use of Steering Group support letters to members
- Special clinics or events dedicated for implementation advice
- Annual training by the WGs on existing work products
- Recordings of seminars and events; video promotion of ICN work product
- A systematic reference system for ICN work product
- Make ICN recommendations as specific as possible; enabling clearer guidance for implementation

C. Interaction with Other International Organizations

ICN work influences the development of norms across the international competition community through its members’ activities in other fora. ICN members participate in numerous international bodies that deal with competition policy. In doing so, they bring their ICN experiences and accomplishments to these other fora, linking and inspiring similar work elsewhere.

Over the past decade, the ICN has taken tangible steps as a network toward more active coordination with other organizations. It has collaborated with the OECD on significant work to examine international enforcement cooperation, and with the World Bank on an annual competition advocacy contest that promotes member agencies’ competition policy work to an audience of global policymakers.

There is unwavering support for the ICN to engage actively with other international organizations; 96% of responding agencies concurred. The top three organizations cited, in order, were the OECD Competition Committee, UNCTAD, and the World Bank – all active partners of the ICN and its member agencies. Many regional entities with competition work also were mentioned by a several responses, including the ACF, APEC, ASEAN, AU, BRICS, COMESA, the EU/ECN, and IDB. Two non-competition fora were mentioned in several responses for possible engagement – ICPEN and GPEN – as well as non-governmental entities including the ICC and CUTS.

The most cited suggestion for engagement with other international organizations was organizing and participating in joint events, namely joint calls; speaking at each other’s events; or even joint workshops or other in-person events. The second most frequently cited suggestion was to participate in joint projects and work product of common interest, with the ICN/WB advocacy contest and the ICN/OECD cooperation reports cited as positive examples. There was also a specific suggestion to consider high-level, joint statements with other organizations.

The most cited justification for engagement with other entities was the desire to save resources and avoid duplication. Several responses cited the ability to promote ICN recommendations to wider audiences or inspire similar work in other organizations as specific benefits of engagement.

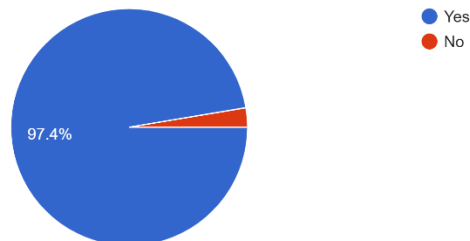
Operational suggestions cited the value of ICN liaisons with other entities and the value of tracking overlaps between the work of different organizations, both in terms of avoiding duplication, but also to help ensure and reinforce common or fundamental principles across the competition community.

D. ICN as an Advocate for Competition Principles

The least developed aspect of the ICN’s advocacy role is the idea of advocacy beyond the network. ICN Chair Mundt recognized the ICN’s unique status as a global voice for competition, noting that ICN’s broad membership “gives the ICN the possibility to advocate its vision on the worldwide playing field.”

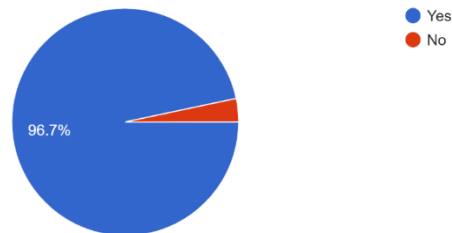
Member responses

Is there a useful role for the ICN to be an international advocate for competition principles?
76 responses



NGA responses

Is there a useful role for the ICN to be an international advocate for competition principles?
90 responses



Consistent with the results to the short answer question above, the survey comments were very supportive of an active role for the ICN as an advocate for competition principles. Three approaches were cited most often:

- 1) To continue to develop and disseminate best practices across competition policy and enforcement topics, with support for implementation
- 2) Issuing network-wide policy statements (like the ones on economic downturn and COVID-19)
- 3) Outreach to and interaction with other governmental entities/advocacy to policy makers

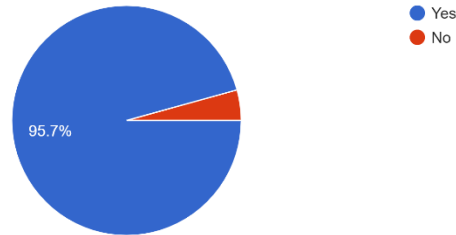
Other suggestions included consideration of more visible press and media interaction, continued engagement with other international organizations to promote what the ICN has done and seeking a voice at global economic meetings such as the World Economic Forum.

ICN member agencies are experts in advocating for procompetitive policies. Twice in ICN history, the Steering Group has harnessed this collective expertise to release statements that speak to the vital role of competition policy in broader economic contexts, with an intended audience beyond the network. In 2009, it released “The Case for Competition Policy in Difficult Economic Times,” and in 2020, it published a statement on “Competition During and After the COVID-19 Pandemic.” Both articulate common considerations for competition law enforcement and policy in times of crisis. Both serve as proof that the ICN’s voice can add value to competition debates. 92% of responding agencies were familiar with the ICN’s statement on competition and the COVID-19 pandemic (84% of NGAs), with 96% of responding agencies (and 93% of NGAs) rating the document as “timely and useful.” The feedback from the Project confirms that the ICN should consider using its voice for additional opportunities to advocate beyond the network for sound policies that promote competition.

Member responses

Should the ICN consider additional similar network statements on key issues of importance across its membership?

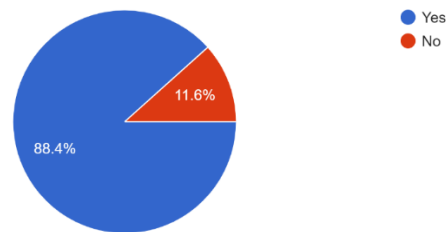
70 responses



NGA responses

Should the ICN consider additional similar network statements on key issues of importance across its membership?

86 responses



The responses provide near universal support for the ICN to make network statements on key issues of importance. Members and NGAs emphasized that such statements should address big, fundamental challenges of global concern. They should be as detailed as possible and practical. As they signal a common understanding of ICN members, they are more likely to cover high consensus topics. The survey also solicited potential ideas for future statements. The list is presented in order of the number of times mentioned across the responses, with the top ideas in bold.

Suggestions for issues to consider:

- **Role of competition in supporting economic recovery**
- **Competition in digital markets**
- **Competition during times of crises**
- **Competition's role in sustainable development**
- **Enforcement cooperation**
- **Independence of competition agencies**
- Competition and data privacy
- Competition vs. Industrial policy
- Increased economic concentration and impact
- Cross-border remedies
- Compliance

- Competition and government procurement
- Government restrictions on competition
- Gig economy workers
- Competition and state aids
- Fundamental tools and resources for agencies

Guiding Principle 5: Reinforce the network’s virtual structures to support its mission and first three goals

A. Communications

Survey results: How often do you use or read the following ICN communication tools and resources?

Member responses

Communication Tool	Used frequently or occasionally	Used seldom or never
<i>ICN Newsletter</i>	91%	9%
<i>ICN Website in general</i>	88%	12%
<i>Document Library</i>	85%	15%
<i>WG webpages</i>	81%	19%
<i>News & Events on website</i>	71%	29%
<i>ICN Twitter</i>	42%	58%
<i>ICN YouTube</i>	33%	67%

NGA responses

Communication Tool	Used frequently or occasionally	Used seldom or never
<i>ICN Newsletter</i>	62%	38%
<i>ICN Website in general</i>	78%	22%
<i>Document Library</i>	70%	30%
<i>WG webpages</i>	79%	21%
<i>News & Events on website</i>	56%	44%
<i>ICN Twitter</i>	20%	80%
<i>ICN YouTube</i>	16%	84%

The survey then sought ideas on ways to enhance the ICN’s communication tools. The comments identify the ICN’s website as the central tool for communication and content. Many of the comments start with the importance of regular update and maintenance for the website. Containing every work product produced by the ICN, the website is the central repository for the network’s institutional knowledge. In addition to being the ICN’s library, many responses gave suggestions to strengthen the website’s communication capabilities.

Website related suggestions:

- More frequent use of the “News & Events” section to describe upcoming calls and events
- Use a prominent, user-friendly calendar of upcoming ICN calls and events
- Maintain up-to-date contact details for member agencies
- Improve search result presentation in document library
- Consider a “new document feed” on the website
- More prominence for ICN statements and recommendations

Complementary tools:

- Increase visibility of the ICN’s YouTube channel; add more content, especially webinars
- ICN-sponsored LinkedIn account
- Increased use of ICN Twitter for new events and work product

Members were asked to rate their perception of the frequency and nature of communication from and within the ICN for five types of information. At least 2 out of 3 responses rated communications of all types as sufficient. Consistent with the narrative responses, the one area with the most room for improvement is the “News & Updates” portion of the ICN Website that aims to provide frequent and up-to-date posts about what is going on across the network.

	Sufficient	Not enough
From WGs on seminars	88%	11%
From WGs about ongoing work	77%	21%
From the Steering Group	76%	22%
Website News & Events updates	68%	32%
News on workshops & conferences	84%	15%

The survey asked for suggestions on how to improve communication within the network. The responses underscored the importance of effective communication across the network and offered many practical suggestions.

Suggestions to improve network communications:

- Frequent WG updates to members and NGAs; especially highlighting opportunities for input and progress of projects
- Earlier information about upcoming events/use of a central calendar of events and the ‘News and Events’ section of the website for more details
- Maintain updated contact lists across ICN and WGs
- More strategic communication by consolidating emails and information, e.g., in newsletter or making communications on a regularly scheduled basis
- Record and archive webinars
- More frequent updates from the SG

- WGs make many requests of members throughout the year: consider coordinating these requests and deadlines
- More WG calls that provide status updates of projects and events
- Push approach to updates

B. ICN's Virtual Structure

Overall, there is a lot of support for the ICN's existing virtual structure. Nearly all the responding agencies and NGAs view the ICN's virtual structure as sufficiently flexible and robust for the network's needs. Likewise, NGAs view the core elements of the ICN's structure and approach as successful and not in need of substantial changes. This narrative question elicited numerous suggestions for possible changes or additions to the ICN's operations. The suggestions are grouped below but appear in no particular order. However, the most frequently cited group or theme of suggestions involved inclusivity across network participation, with an emphasis on expanding leadership roles for interested and capable agencies.

Network participation suggestions:

- Improve participation from younger agencies by expanding leadership and operational roles across the network
- Open Working Group Chair roles to more agencies, e.g., adding a 4th chair or have a 1-year cooling off period for former chairs
- More inclusivity and paths to leadership across the network for all members
- Ensure diverse leadership, e.g., broad jurisdictional representation across network, opportunities for younger agency
- Lower barriers to participation; ability to opt into projects and tasks should be easy

Working Group operational suggestions:

- Emphasize quality and scope of work over quantity of work in annual work planning
- Make WG workshops the focal point for annual WG work
- Reconsider annual WG Chair rotation: make it every two years for more opportunities
- Explore more joint work and workshops among WGs
- Add new working groups: suggestions include cooperation, non-cartel horizontal coordination, digital markets, sustainability, procedural fairness, and/or expand UCWG mandate to all non-merger, non-cartel conduct
- Encourage more multi-group events, collaboration, and brainstorming
- Better leverage the expertise and experience of NGAs for ICN work

Network operational suggestions:

- Strengthen the Secretariat with defined support roles, e.g., social media, website updates
- Add new principles to the Operational Framework

- Gender participation: support participation of and opportunities for women in the network
- Explore “competition clinics” for younger agencies
- Make funding requests more systematic, transparent, and regular
- Establish a dedicated group for younger agencies
- Term limits or informal rotation for all ICN positions

The survey asked respondents for suggestions on improving the network’s knowledge management. The comments on ICN’s institutional memory are inextricably linked to the website, as the ICN’s central repository for its work. The need to update and maintain the website’s content is paramount. The comments were positive about the accessibility of up-to-date ICN work product. However, gaps remain in telling the ‘story’ of ICN work product and events, and many responses added suggestions to help maintain a sense of history and explanations as to what the ICN has done and why it has taken on specific work. One comment suggested that WG annual plans should contain tasks related to institutional memory.

Of particular emphasis is the desire to make better efforts to archive past workshop/conference and webinar materials. Collectively the comments raised the value of maintaining lists and institutional memory of ICN process, including:

- Working Group and WG chairs history,
- Work plans,
- Event hosts and planning tips,
- Operational Framework interpretations,
- Key speeches.