

Statement of Achievements 2024/2025

Presented at the 24th Annual Conference of the ICN Edinburgh, Scotland 7-9 May 2025





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FOREWORD

Dear ICN members and NGAs

We are delighted to hold the ICN Annual Conference in Edinburgh, Scotland, this year. The conference is a unique opportunity to strengthen the bonds within our international competition community, share the latest output from the ICN Working Groups and other project leads and engage in discussions on critical issues in competition law enforcement and policy.

We look back at an eventful ICN year. We were welcomed in Mexico City for the Cartel Workshop, had interesting discussions in Taiwan at the Merger Workshop and just recently met for the Unilateral Conduct Workshop in Rio de Janeiro. The virtual Sustainability Workshop was successfully hosted for the first time by the AdIC in Paris and our chief and senior economists just came together in Budapest for a workshop. The working groups continued their work with numerous webinars and work products this year. This document gives a comprehensive overview of the ICN's achievements of the 2024/2025 ICN year and is a valuable compendium. The Steering Group project on Competition Concerns in Food Markets also presented its final report. This impressive content could only be produced with the support and dedication of the ICN membership. Another noteworthy event this year was the transfer of the ICN Secretariat to the Italian AGCM as anchor agency for a multi-agency team.

Inclusivity and participation across the network remain at the top of our agenda. With this in mind, the ICN Operational Framework has been successfully revised. The new text reflects the right balance between continuity of the network's established practices and room for innovation and change. It provides the network with a strong foundation for its future work and will help to steer the network safely through the next decades.

The ICN has a lot to offer – not only to its current members and NGAs. The fact that other competition authorities continuously express their interest in joining the ICN is a testament to this. In these increasingly challenging times it is all the more important that the ICN holds the competition community together. The economic and political pressure is increasing worldwide, and many agencies are directly confronted with the issues resulting from this. Our network has shown that especially in times like these, exchanging ideas and discussing joint solutions is crucially important.

We would like to express our gratitude to competition authorities around the world for their contributions and commitment. Together we are the ICN. We look forward to a stimulating annual conference in Edinburgh and a successful ICN year 2025/26.

Best wishes,

Sarah Cardell Chief Executive Officer Competition and Markets Authority

Andreas Mundt Chair of the ICN Steering Group President, Bundeskartellamt

ADVOCACY WORKING GROUP

The Advocacy Working Group (AWG) aims to improve the effectiveness of ICN members in advocating the dissemination of competition principles and to promote the development of a competition culture. AWG develops practical tools and guidance, and facilitates experience-sharing among ICN member agencies.

AWG Co-Chairs: CCCS Singapore, CA Kenya, CA Egypt, JFTC Japan

Special Project Lead: CC Philippines

2025 Work Product

Assessing Progress in Development of Successful Advocacy Strategies to the Judiciary

The AWG conducted a survey as a follow up to the one conducted in 2005. The study recommended that: The designations "generalist court" and "specialist court" appear to be overly simplistic in characterizing the features of judicial entities. Such oversimplifications can lead to invalid responses and conclusions. There is need for a deeper understanding of the alternative approaches undertaken by mature agencies to address the perceived lack of knowledge within the judiciary. There can be much value in conducting a follow-up assessment to explore these alternative approaches.

Interactions between Sector Regulators and Competition Authorities

The AWG conducted a survey to explore effective cooperation in the privacy and sustainability areas of competition regulation. The report indicates that: Consultation can be conducted without exhaustive information sharing and can often be incorporated into formal procedures in some jurisdictions. Joint Guidelines also have a great impact within the frameworks because they are not only for information exchanges, but also clarify specific actions with other ministries and agencies.

Advocacy Toolkit pt. II

Ongoing and upcoming Topics

- Evaluating the Effectiveness of Advocacy Initiative
- Trends in Limiting Anti-Competitive State measures

2025 Competition Advocacy Contest

The <u>2025 Competition Advocacy Contest</u> jointly organized by the World Bank Group and the ICN will award advocacy initiatives that have been successful in supporting public policies aimed at addressing global challenges, like climate change, and economic crisis.

Lead contact: AGCM Italy

AGENCY EFFECTIVENESS WORKING GROUP

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

AEWG Co-Chairs: GVH Hungary, HCC Greece, AGCM Italy, CC Hong Kong

2025 Work Product

Survey Report on Measuring Agency Effectiveness

This project collected and examined the practices and experiences of ICN member agencies in measuring agency effectiveness, including internal and external assessments in relation to a wide range of outcomes (e.g., effectiveness in court, implementation of decisions, expected consumer savings, ex-post and ex-ante assessments). It aimed to provide a general picture of whether and how competition agencies measure the effectiveness of their activities, primarily enforcement and advocacy. Project Lead: <u>GVH Hungary</u>

2025 Workshop

Chief and Senior Economist Workshop

Following the very successful 2023 Workshop in Bergen, the <u>2025 edition</u> was hosted by the Hungarian Competition Authority in Budapest on 23-25 April 2025. Six relevant topics were discussed led by renowned academic professors. Lead contacts: <u>GVH Hungary</u>

Ongoing and upcoming Topics

- Making Enforcement Cooperation Effective
- Effective Training on Competition
- The Role of Chief/Senior Economists for Effective Enforcement

CARTEL WORKING GROUP

The mandate of the Cartel Working Group (CWG) is to address the challenges of anti-cartel enforcement, including the prevention, detection, investigation and punishment of cartel conduct. At the heart of antitrust enforcement is the battle against hard core cartels directed at price fixing, bid rigging, market allocation and output restriction.

CWG Co-Chairs: US DoJ, CC New Zealand, CMA UK, SSACMC Azerbaijan

2025 Work Product

Overhaul of Chapter 1 of the ICN's CWG Anti-Cartel Enforcement Manual (ACEM) on Raids: project led by <u>CMA UK</u> with CADE, CBC, CNMC, COFECE and KMOJ.

The CWG ACEM is a compilation of the investigative approaches used by ICN members made available on the ICN website. Each chapter explores techniques used at different stages of cartel enforcement and identifies approaches that have proved effective and successful. The CWG has completed a review of Chapter 1 on Raids, which was last updated in 2009, and has updated it to reflect developments in practice, make it more user-friendly and to include several new sections. Following two rounds of consultation of CWG members and consultation of NGAs the Chapter was approved by the ICN Steering Group in March. The Chapter on Raids will be available on the ICN website and will be launched at a Cartels BOS at the ICN Annual Conference. There will also be a CWG webinar on the changes in June.

2025 Webinar Series

Webinar on Proactive Detection of Cartels using Email & Messaging Data

This webinar, on Thursday, February 13 and repeated on 4 March for the Asia-Pacific Time Zone, was set up because finding communications between cartelists is often key to proving the existence of a cartel. Cartelists increasingly use third-party email accounts like Gmail and third-party messaging applications like WhatsApp, Telegram and Facebook Messenger. The agency-only webinar explored opportunities and challenges of obtaining, analysing, and using this type of data to prove a cartel case. It was very well attended with a combined total of 268 attendees. Lead Contact: <u>US DoJ</u> and <u>CC New Zealand</u>.

Cartel Workshop

The 2024 ICN Cartel Workshop in October in Mexico City was hosted by <u>COFECE Mexico</u> and was attended by over 200 cartel specialists from 42 agencies. The 2025 ICN Cartel Workshop will be in Seoul in November 2025 and will be organized by the KFTC with the KMOJ in partnership: <u>KFTC</u>.

Ongoing and upcoming Topics

- Proactive Detection & Sanctions Toolkit Project
- Implementation and dissemination

MERGER WORKING GROUP

The Merger Working Group (MWG) promotes the adoption of best practices in the design and operation of merger review regimes.

MWG Co-Chairs: EC DG COMP, CC Mauritius, CB Canada, AdlC France

2024/2025 Work Products

Updated Recommended Practices

Chapter on Coordinated Effects on horizontal mergers. The chapter has been updated with more recent practices from ICN member agencies, in particular regarding the effects of mergers on innovation and dynamic markets. Project lead: <u>EC DG COMP</u>

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Recommendations on the Framework for competition merger analysis. The first set of recommended practices have been updated to reflect the realities of modern merger analysis and Member agency practices, in particular the tools and rules of agency merger analysis and understanding the practical ways that firms compete.

2024 Merger Workshop

The Taiwan Fair Trade Commission hosted the 2024 <u>Merger Workshop in Taipei</u>, Taiwan, from 13 to 15 November, 2024.

The workshop provided a platform for participants to engage in discussions and share insights on current merger issues, including potential/dynamic competition, innovation-related theories of harm in both horizontal and non-horizontal mergers, and other non-price competition factors.

Attendees had the opportunity to participate in interactive sessions focused on hypothetical cases, covering topics such as theories of harm, remedies, and investigative techniques. Additionally, participants elaborated on draft Merger Working Group products and explored various procedural aspects of merger investigations.

Ongoing and Upcoming Topics

- Update different chapters of the ICN Recommended Practices (failing firm and exiting assets, framework for merger analysis and counterfactual, market definition, market shares). **Project leads: US FTC and UK CMA**
- Tools and practices for effective and timely management of merger cases.

Upcoming Merger Workshop

The 2025 ICN Merger Workshop will take place in Mauritius, tentatively, 15-17 October 2025. It will be hosted by the Competition Commission of Mauritius. Host Agency: <u>CC Mauritius</u>

UNILATERAL CONDUCT WORKING GROUP

The Unilateral Conduct Working Group (UCWG) examines the challenges involved in analyzing unilateral conduct of dominant firms and firms with substantial market power.

UCWG Co-Chairs: CNMC Spain, CADE Brazil, RK Türkiye, KKV Sweden

2024 and 2025 Webinar Series

• Webinar on Self-Preferencing

This webinar took place on 10 December 2024. The webinar aimed to better evaluate this type of controversial conduct, which lies on the threshold between efficiency and illicit, to understand the difference in the authorities' position on the nuances that make it go one way or the other. Discuss the theory and especially the concrete cases to identify the central elements that led to the practice being condemned as illegal or not. Lead contact: <u>CADE Brazil</u>

Synergies between Unilateral Conduct Enforcement and Merger Review

This webinar took place on 20 February 2025 and aimed to discuss the coincidences between the analysis of mergers and unilateral conduct practice cases. The goal was to come up with ideas that make enforcement more efficient and seize the synergies between the two policies. Lead contact: <u>RK Türkiye</u>

• Webinar series on the Implementation of UCWG work products

The webinar initially considered for 27 March 2025, as part of efforts to promote the implementation of existing UCWG work products (in particular the review of chapters of the Unilateral Conduct Workbook), has been postponed sine die. It may be incorporated into future UCWG work plans, subject to sufficient interest from the UCWG members. Lead contact: <u>CNMC Spain</u>

Ongoing and Upcoming Topics

- The use of urgency enforcement tools in the context of abuse of dominance proceedings-checklist under preparation
- Follow up on theories of harm and remedies in digital markets
- Revision of the UCWG Workbook on Exclusive dealing

UCWG Workshop 2025

The 11th edition of the <u>Unilateral Conduct Workshop</u>, hosted by the Administrative Council for Economic Defense (CADE) was held in Rio de Janeiro, Brazil, from 12 to 14 March 2025.

The aim of the Workshop was to bring together UCWG members and Non-Governmental Advisors (NGAs) to discuss a range of issues surrounding unilateral conducts in digital markets, competition law, and enforcement, along with the challenges of unilateral conduct analysis and emerging markets, analysis of conditional rebates, self-preferencing, exclusionary abuses, and other relevant topics selected for this event. Lead contact: <u>CADE</u> <u>Brazil</u>

ICN STEERING GROUP SPECIAL PROJECTS

Competition Concerns in Food Markets

The survey was conducted in 2023 and received responses from 45 ICN members. The final report was approved by the SG in March 2025. In addition to the survey, the special project hosted a breakout and plenary session at the 2024 ICN annual conference in Brazil to provided delegates with high-level feedback on the survey findings and identified potential priority areas for the special project or other ICN working groups. The following have been identified as potential work products for 2025/26 ICN year: Development of a toolkit or template for price monitoring; frameworks for collaborative research into the activities of global commodity

traders; establishing a comprehensive knowledge base on competition interventions in food and agriculture markets; and developing a template(s) or tips for requesting and collecting data on cross border activity, particularly in merger control and for cartel investigation.

Lead contacts: CC South Africa, CA Kenya

ICN Intersection Project

The <u>ICN Intersection project</u> was established to explore and attune member agencies to the relationship between competition, consumer, and privacy laws and policies, and who those relationships can impact competition agency work. The project group earlier organized a series of webinars and produced issues-spotting and agency examples papers. In 2024, the project group finalized an agency considerations handbook on how to recognize intersection issues and considerations for agencies to assess when concerns from these three areas intersect, to help them navigate their decision-making processes, including examples from member agencies. Lead Contacts: <u>ACCC Australia</u>, <u>CB Canada</u>, <u>AGCM Italy</u>, <u>US FTC</u>

ICN Technologists Group

The ICN Technologist group was established in 2023 under the portfolio of ICN Vice Chair for Digital and US FTC Chair Lina Khan. The group created a virtual meeting space for a new constituency within the ICN: agency officials focused on digital and tech work and research. Less than six months later, the first ICN Technologists Forum brought together agency technologists, data scientists and digital experts who met in Washington, DC from 25 to 26 March 2024 for a two-day forum.

The UK Competition and Markets Authority are the new ICN Tech Forum Chair. The CMA is hosting the second ICN Technologist Forum, on Tuesday 6 May 2025 at the Edinburgh International Conference Centre (EICC), Scotland, the day before the 2025 ICN Annual Conference. This year's Technologist Forum deepens the knowledge sharing and discussions that began at the inaugural Technologist Forum in Washington DC in March 2024 and focuses on three main themes:

• The 'State of Play' of Competition in AI and Digital Markets

- Building Capability in Agencies
- Operational Effectiveness

Lead agency: CMA UK

Sustainability Workshop

On 2 to 3 July 2024 the French Autorité de la Concurrence virtually hosted the first ever <u>ICN</u> <u>Sustainability Workshop</u> to explore the role that competition plays in achieving sustainable development goals. The discussions on Day One included representatives of member agencies, NGAs and experts and were broadcasted live; Day Two was an agencies-only event. The workshop attracted a lot of interest from the ICN community and beyond, and future editions of the workshop are expected. Host Agency: <u>AdlC France</u>

ROLES IN THE ICN

ICN 2024/2025

Working Group	1	2	3	4	Project Leads
Advocacy	CA Kenya	CA Egypt	JFTC	CCCS Singapore	PCC Philippines GCRA Guernsey
Agency Effectiveness	GVH Hungary	Hellenic CC	AGCM Italy	CC Hong Kong	
Cartels	US DOJ	New Zealand CC	CMA UK	SSACMC Azerbaijan	
Mergers	EC DG COMP	CA Mauritius	Canada BC	AdIC France	CMA UK KT Norway FTC USA
Unilateral Conduct	CNMC Spain	CADE Brazil	CA Türkiye	CA Sweden	AdIC France

Operational Framework	CB (Canada	CCI India		
Membership	KFT	C Korea	CNMC Spain		
Promotion & Implementation	AdC Portugal FTC USA (ITOD)		COFECE Mexico (ICN Bridging Project and OPEN ICN / Focus Group)		

ICN Special Projects and Frameworks

Agriculture and food markets	South Africa CC			CA Kenya			
Intersection	AGCM Italy	AGCM Italy ACCC		Australia		CB Canada	FTC USA
Cooperation	ACCC Australia	FTC USA		AGCM Italy		GVH Hungary	AdC Portugal
ICN's 3rd Decade	FTC USA			BKartA Germany			
ICN CAP	ACCC Australia BKartA Germany			Germany	UOKIK Poland		