



Advocacy Toolkit

Part II: Effective Communication of a Competition Advocacy Message

Prepared by

ICN ADVOCACY WORKING GROUP

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Introduction

The Second Part of the Competition Advocacy Toolkit is intended to follow up its first Part by focusing mainly on promotion mechanisms of competition advocacy messages, including such means as media relations and competition agency web-site. It has the same structure and mode of presentation as Part 1 and the numbering of Components of Part 2 continues from Part 1. Similarly to Part 1, Part 2 includes case studies to illustrate the major recommendations of the Toolkit from national experiences of the ICN member agencies participating in the Competition Advocacy Working Group.

The Second Part of the Toolkit includes the following Components:

Component 5. Promotion Mechanisms/Types of Competition Advocacy Messages.

Component 6. Media Relations.

Component 7. Extending the Reach of a Competition Agency Web site.

Component 8. Research and Consultation.

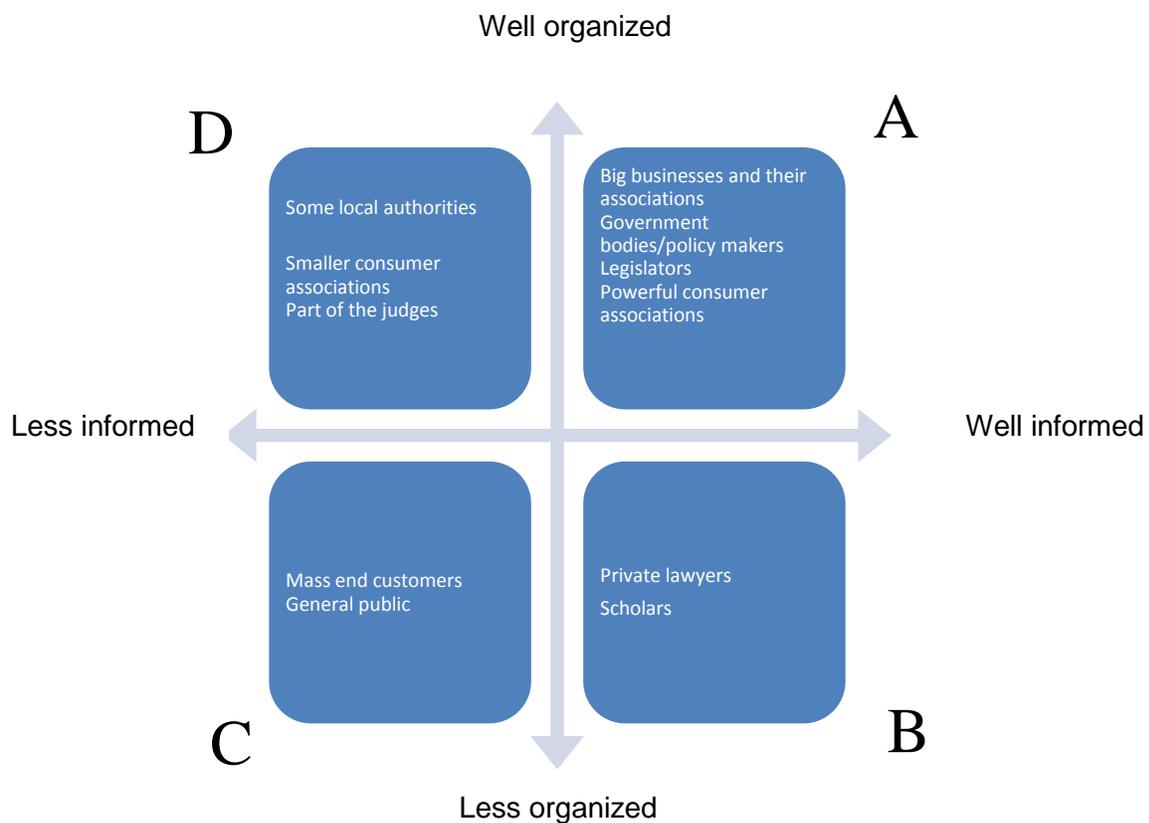
Thanks

The AWG is grateful to the ICN member agencies that provided case studies or input into the drafting, and to Mr. Albert Foer of the American Antitrust Institute for his contribution to the drafting of the Second Part of the Toolkit.

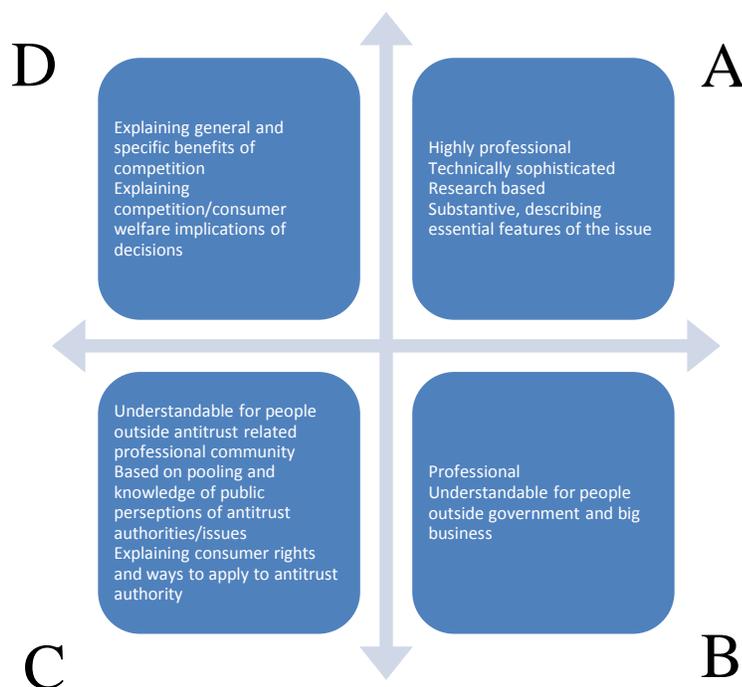
Component 5. Promotion Mechanisms/Types of Competition Advocacy Messages

There are many ways competition authorities promote competition. These mechanisms ensure that the business, government bodies and legal communities as well as the general public are made aware of the benefits of competition, competition policies and the outcome of specific cases. For example, businesses are interested in making money, not breaking the law. The more businesses know about the law, the more they will comply. The results of contested proceedings also play a role in advocacy as they often serve as a deterrent for future anti-competitive behavior.

The choice of a type of competition advocacy message depends on the degree of knowledge of the target audience/stakeholders in antitrust matters as well as on the ability of particular types of stakeholders to organize themselves for defending their interests in antitrust litigations or/and promoting their interests in the course of development of competition legislation and public policies. Examples of target audiences/stakeholders grouped by degree of their organization and knowledge in antitrust matters are presented in the chart below.



Respectively, the major requirements to the competition advocacy message depend on the type of the target audience as presented in the chart below:



Competition advocacy messages can be addressed to one or several types of target audiences/stakeholders. The explanation of the benefits of competition substantially depends on the type of stakeholder being addressed. For example, to government procurers the key message may be about achieving best value for money, to business it may be about driving innovation and keeping inefficient firms out of the market, to consumers it may be about lower prices and more choice, etc. (see Competition Advocacy Toolkit Part 1, Components 1 and 2 for more detail). Some of the common and efficient ways to address them are:

Publications

- Information Bulletins/Notices
- Enforcement Guidelines
- Discussion Papers
- Reports on specific issues
- Pamphlet Series
- Summaries of Decisions
- Annual/quarterly reports which explain the competition authority's activities and pick out key themes/issues of competition

- Simple publications for small and medium-sized enterprises which are carefully targeted and distributed, highlighting key issues for compliance
- Fact sheets educating businesses and consumers about competition law.

Communication

- Speeches
- Op-eds: 500-800 word editorials by government officials in newspapers usually on matters of current public salience
- Conferences/Seminars/Workshops
- Web sites
- Email notifications
- Videos
- Stakeholder meetings and consultations
- Attendance at national and regional exhibitions and trade shows
- Advertising/Publicity Campaigns

Media Relations

- News Releases
- Backgrounders
- News conferences / Call-in lines
- Media Interviews
- Daily Press guidance (informs journalists of what to expect for the day)
- Current media distribution lists for fax and email
- Media Contacts
- Media workshops
- Media briefings and one-on-one meetings
- Social Media – tweets, blogs, e.g. Facebook and Twitter
- Contests for journalists (to honor best publications on competition matters)

Information Gathering

- Partnerships with other competition agencies
- Research
- Consultations
- Participation in conferences
- Attendance at national and regional exhibitions and as well as trade shows

Education and training

- Participation in government policy development
- Interventions before regulatory bodies
- Input into draft legislation and regulations

- Submissions and representations to legislative committees and other government bodies
- Participation in programs of law schools/business schools
- Judicial training workshops
- Seminars for legal practitioners
- Seminars for business community
- Providing training in antitrust matters per request of business companies
- Promoting high-level awareness of links between competition policy and economic development
- Advocacy at regional road shows
- Visiting key business centres across the nation to enhance awareness among local businesses, consumers, intermediaries and the media
- Meetings with students and conducting contests among them to honor the best paper on competition issues.

Promoting Compliance

- Marketplace contacts
- Practitioner contacts
- Consultations
- Pre-notification
- Advisory Opinions
- Pre-market Assessment
- Advance Ruling Certificates
- Corporate Compliance Programs
- Voluntary Codes

Building Public Confidence in Competition Policy and Institutions

- Strong enforcement
- Active enforcement policy
- Fairness and non-discriminatory enforcement
- High-profile cases
- Strong judicial decisions
- High fines and effective non-monetary remedies
- Prosecutions
- Transparency
- Predictability
- Accountability, for example by means of public parliamentary hearings
- Protocols or Memoranda Of Understanding with regulators to minimize duplication and reduce uncertainty

The case studies below exemplify how competition authorities have drafted/structured their advocacy message in formats and manners suitable for the target audience.

Case Study: The Bulgarian Commission of Protection of Competition – Promotion Mechanisms/Types of Competition Advocacy Messages

The Bulgarian Commission on Protection of Competition (CPC) organizes seminars and conferences for the business in order to raise their awareness of competition rules. For this purpose the CPC has also adopted various guidelines. The Guidelines against Bid Rigging in Public Procurement Award Procedures aim to outline the main competition concerns in public procurement award procedures, the factors determining bid rigging behaviour, as well as the indicators of its presence. The CPC has also adopted a Decision block exempting certain categories of agreements, decisions or concerted practices from the prohibition under Article 15 of the Law on Protection of Competition (LPC).

As part of the series of events marking its 20th anniversary in March 2011 the Commission on Protection of Competition held a seminar in order to enhance the knowledge of the business community about the new regime of block exemptions for certain categories of agreements prohibited under EU and national law, as well as on the recent developments of the CPC's leniency policy. The leniency program was presented to the seminar audience through an interactive stage play. After that the video of the play was uploaded on our website.

The CPC provides information about its activities to the general public and the mass media in observing the principle of transparency. For some of the decisions adopted by the CPC press releases are drafted. The press releases are published on the CPC website and are sent by email to all major national media – including daily and weekly newspapers, magazines, TV and radio channels and news agencies. In addition, the press releases are published on the official website of the Commission. Besides CPC representatives participated in discussions, talk shows and interviews in broadcast media. In 2007 the CPC received the Golden Key award as a *Best Institutional Provider of Information to Citizens*. The award was presented by the Access to Information Programme on the occasion of the International Right to Know Day.

As to the state and local authorities the Bulgarian Commission on Protection of Competition (CPC) has adopted Guidelines for assessment of compliance of legislative and general administrative acts with competition rules. The document goes in line with the CPC's continuing efforts to strengthen its role in competition advocacy. Its aim is to foster competition culture, to enhance knowledge of competition rules and to encourage protection of competition.

The Guidelines underline the benefits of having draft legislation reviewed in advance. Preliminary impact assessment will ensure accurate phrasing of competition relevant provisions and avoidance of potential distortion of competition.

Case Study: Office of Competition and Consumer Protection of Poland (UOKiK) – Promotion Mechanisms/Types of Competition Advocacy Messages

Issue: In 2009 a new Regulation on the leniency programme as well as Guidelines on leniency - a practical guide for enterprises entered into force. Therefore, the Office decided to inform the public about the harmful effects of price fixing agreements and to encourage cartel participants to cooperate with the Office in order to avoid fines or receive more lenient sanctions.

Key Stakeholders: Large, medium and small enterprises

Engaging with stakeholders: UOKiK launched the most extensive ever campaign popularising knowledge on competition protection among entrepreneurs. The campaign included broadcasting an advertising entitled “Żart” (A Joke) on business and information TV and radio channels. The TV spot was created on the basis of cartoons by a famous cartoonist Marek Raczkowski. The media campaign was supported with direct mailing targeted at 500 largest enterprises in Poland and 335 companies operating on local markets. They received information packs on the leniency programme. Thanks to the involvement of radio broadcasters, the advertising was also broadcast free of charge by almost 20 largest nationwide and regional radio stations. The campaign took place in February and May 2009. It was also easier to contact the Office thanks to a special helpline: (+48 22) 55 60 555. Calling the number, a participant of an illegal agreement can obtain all information on the programme. Anonymous entrepreneurs calling to the Office are able to learn for example if they meet the requirements to apply for leniency.

TV Spot can be found here:

http://www.uokik.gov.pl/leniency_programme.php

Effectiveness of the campaign: The campaign was a big success. Businesses started to contact the Office and more frequently asking for details about the leniency. The public knowledge increased. Nevertheless, the programme still requires promotion and clarifications. Therefore, the Office plans to continue educational and information activities concerning the leniency programme, especially through nationwide electronic media.

Case Study: Office of Competition and Consumer Protection of Poland (UOKiK) – Promotion Mechanisms/Types of Competition Advocacy Messages

Issue: The jurisdiction of the President of UOKiK provides many examples of cases conducted against communes or associated entities for engaging in anticompetitive practices on local markets. These are most often practices involving abuse of a dominant market position. It appears that a portion of these competition violations result from insufficient knowledge of communes regarding competition protection law, or lack of determination in following the regulations on the part of entities dependent on the communes..

Stakeholders: Local governments, which often breach the law, when playing a double role, on one hand of utility services providers (directly or via their affiliates) and on the other hand of local law legislators who limit the access to the market for local companies (or impose oppressive terms which such companies must fulfill in order to carry out local economic activity). Insufficient knowledge of competition law works also the other way around – local governments fall victim of practices of businesses, such as tender collusions. Thus, adequate education of these market participants is of a crucial importance.

Engaging with stakeholders: The main objective of the campaign in 2009 was to inform municipalities about typical anticompetitive practices. The project was mainly targeted at municipal executive officers and representatives of municipal enterprises. A number of training sessions concerning competition law were conducted in nine voivodeships, with particular focus on competition infringements committed by municipalities. What is more, a guide entitled *Competition on local markets* with selected decisions by the President of UOKiK was published. It was distributed to the participants of the training sessions and all municipalities in Poland. The campaign took place between June and August 2009.

Another educational campaign was carried out in 2011 which encompassed sending letters and educational materials explaining, in a clear and accessible manner, how competition law assesses and sanctions different anticompetitive practices, such as abuse of dominant position, price fixing or bid rigging. These materials contain examples of the Office's decisional practice.

Implementation and monitoring: Educational and informational activities are implemented on regular basis. Bearing in mind the large number of decisions concerning anticompetitive practices on a local scale, these activities will be continued and intensified, especially with regard to concrete branches and sectors in which these decisions are of particular importance, e.g. the water and sewerage sector. At this stage, we believe that the target group for the information campaign should be enlarged to include consumers, who may be harmed by suppliers of, e.g. communal services (usually commune) and who are unaware of their rights.

Evaluation: The message was understandable and tailored to recipients. The problem was described from the scratch, and illustrated with practical examples. The synergy effect to show the benefits that competition brings to consumers was used. However, further educational actions are to be taken to increase the awareness and knowledge of local authorities regarding competition, including: preparation of a database of the mailing addresses of all local authorities and the undertakings that belong to them for the purpose of distributing all statements and press releases prepared within the scope, organization of conferences/trainings regarding protection of competition and directed at local governments and the management of communal companies.

Case Study: Office of Competition and Consumer Protection of Poland (UOKiK) – Promotion Mechanisms/Types of Competition Advocacy Messages

Issue: In 2010 the Polish Office of Competition and Consumer Protection faced a significant increase in number of proceedings concerning mergers and acquisitions, which resulted in record number of decisions issued by the President of the Office in this matter (188 concluded proceeding compared to 123 in 2009). However, the raising number of merger cases didn't go hand in hand with the increase in awareness and understanding of competition law in the field of merger control. In particular, the Office was still receiving many applications for merger consent which contained formal and substantial mistakes. Thus, the Office recognized the need to provide the businesses with information on the rules relating to the procedure for notifying the intended concentration. Furthermore, we aimed at explaining the rest of market participants how the excessive concentrations may restrict or eliminate competition on the market.

Key stakeholders: The largest group of undertakings possible, including micro and small businesses, which in the future, as larger businesses or, e.g. passive participants in mergers, should also be conscious of the requirements placed on them by antimonopoly law. At the same time, there is clearly a need to reach large and medium-sized businesses, among which the level of knowledge is also very low. Given the broad range of undertakings lacking fundamental knowledge of merger control, media activities directed at society as a whole were also essential.

Engaging with stakeholders: In May 2011 UOKiK launched communication campaign "Mergers under control" which consisted of package of radio and TV programs on concentration control. The 10-episode series covers key issues such as: why the mergers are under state control, how the mergers are implemented, who and when has to notify the intention of concentration, why and how UOKiK conducts the market analysis. The program also presents the details of the concentration procedure and explains how to appeal from the Office's decision.

Additionally, the tv and radio programs were accompanied by online resources. On UOKiK's website special subpages were created in order to help undertakings to understand how the whole concentration procedure works. They contain the

“Questions and answers” list and the series “Mergers under control” which can be viewed online. Businesses which are interested in other issues related to mergers and acquisitions can contact the Office via direct info-line or by e-mail dedicated to the campaign.

The communication campaign was launched with the debate “Mergers under control” in which the representative of European Commission (DG Comp), entrepreneurs, lawyers and journalists took part. The discussion, which could be viewed online on UOKiK’s website, focused on setting out the most important problems of concentration control in Poland and providing undertakings with information how to comply with the concentration procedure. Second debate organized within the campaign took place on the occasion of granting Polish journalists for the best radio and TV broadcasts dealing with competition and consumer protection. The guests discussed the issue of market analysis conducted by UOKiK and the significance of cooperation with the businesses that provide data to this analysis.

Along with the debates, in summer 2011 the Office sent a package of materials to undertakings and their organizations (chambers of commerce). It consisted of the guidance on the concentration procedure and a document on the market analyses.

Evaluation: The effectiveness of the action will be assessed after the campaign, also on a basis of quality and correctness of applications for merger clearance submitted to the President of UOKiK.

Case Study: U.S. Federal Trade Commission (FTC)

Online Materials to Educate Public on Competition and Consumer Protection Principles

The FTC has posted to its public website various materials to better educate the public regarding basic principles of competition and consumer protection law. These materials are available at <http://www.ftc.gov/bc/index.shtml>. Key materials include: (1) “Competition Counts,” a short article that explains the benefits of competition, briefly describes the U.S. antitrust laws, and provides FTC contact information; (2) “FTC Guide to the Antitrust Laws,” which provides a more detailed analysis of U.S. competition law and the policy that animates it; and (3) a series of interactive illustrated dialogues aimed at older children that explains and illustrates the “real life” application of competition and consumer protection principles through a “trip through a shopping mall.” (Links to the third set of materials are found at http://www.ftc.gov/bcp/edu/microsites/youarehere/pages/parents_and_teachers.html.) Through these materials, the FTC seeks to reach out to the general public and thereby help promote the consumer welfare interest that undergirds the U.S. competition and consumer protection laws.

Case Study: UK Office of Fair Trading

'Understanding Competition Law' Film

In June 2011, the OFT published a short film entitled *Understanding Competition Law* as part of a package of materials developed to increase understanding and awareness amongst businesses of how to comply with competition law.

Understanding Competition Law innovatively explains the importance of competition law, the different ways in which competition law can be breached and highlights practical steps that businesses can take to ensure compliance, with a focus on the OFT's suggested four-step process for achieving competition law compliance.

The film includes a dramatization of a dawn raid, alongside interviews with Richard Whish, Professor of Law at King's College London, and OFT officials. It complements the OFT's written guidance by presenting complex competition law issues in a succinct and accessible manner for business people.

Since its launch the OFT has proactively promoted the film and accompanying materials and is encouraging organisations and firms to include elements of the film in their training programmes. OFT is also working with trade associations and industry bodies to promote the film via their websites, newsletters and magazines. The film and wider materials are available to order for free from the OFT's website and can also be viewed on the OFT's [YouTube Channel](#) (which has receiving over 7,500 views as of November 2011).

Access to the film, and the broader package of the OFT's written guidance on compliance, is available at:

<http://www.offt.gov.uk/OFTwork/competition-act-and-cartels/competition-law-compliance/>

Case Study: The Netherlands Competition Authority

The anticipation effect of merger control

The NMa enforces the Dutch Competition Act (*Mededingingswet*). This enforcement involves, amongst other tasks, monitoring mergers and acquisitions. The aim of competition enforcement is to influence the behaviour of businesses in such a way as to prevent mergers and acquisitions that restrict competition. This aim is partially achieved where businesses themselves modify their behaviour without direct intervention by the competition authority. Therefore, when determining the effect of enforcement activities in the area of merger control, the effect is measured not only by the extent to which the NMa acts on anti-competitive mergers, but indeed also by the extent to which companies modify or abandon their plans in advance of intervention. For the most part, the NMa is aware only of mergers that are notified and is in many cases unaware of those that are *not* notified. Although the NMa is sometimes made aware of merger plans that are announced via media or by pre-notification contacts, there might be even more plans that are unknown to the NMa. Therefore, a study was initiated to calculate the anticipatory response of companies to mergers and merger control.

(Van der Noll, R., B. Baarsma, N. Rosenboom and J. Weda (2011), Anticipating cartel and merger control, SEO-rapport nr. 2010-076, Amsterdam: SEO, available at www.nmanet.nl.)

The results of a study on the anticipation effects of merger control confirm the widely accepted proposition that merger control has a much larger affect than the direct effects observed. Based on the results of the survey, 18% of merger plans are modified or abandoned. And these are the cases that really matter, i.e. merger plans that are perceived by companies as potentially anti-competitive. The number of abandoned plans (13 per 100 notifications) is especially important. The fact that this number is much higher than the number of remedied or blocked mergers shows that anticipation does matter. This survey was made available to the public by publication on the website and a press release.

Examples of Publications

New Zealand Commerce Commission:

Fact Sheets educating businesses and consumers about competition law

Available at:

<http://www.comcom.govt.nz/guidelines-and-fact-sheets/>

and

<http://www.comcom.govt.nz/anti-competitive-practices/>

Tanzania :

FCC Newsletter. April – June 2001, Issue 0002

Available at :

www.competition.or.tz

Slovakia

1. *Competition Newsletter* (published 4 times a year)

<http://www.antimon.gov.sk/519/sutazny-spravodajca.axd>

2. Information list for public procurers

Indications of anticompetitive conduct of entrepreneurs within public procurement, 2010

<http://www.antimon.gov.sk/files/21/2010/procurement.rtf>

the press release related thereto:

<http://www.antimon.gov.sk/763/3942/the-antimonopoly-office-of-the-slovak-republic-invites-to-cooperation-in-disclosing-cartel-agreements.axd>

3. Public consultations

<http://www.antimon.gov.sk/632/amo-sr.axd>

Consultation of the AMO on draft of Settlements guidelines (November – December 2011):

<http://www.antimon.gov.sk/532/4466/verejna-konzultacia-k-materialu-o-urovnani.axd>

<http://www.antimon.gov.sk/532/4558/vyhodnotenie-pripomienok-zaslanych-v-ramci-verejnej-konzultacie-k-materialu-upravujucemu-institut-urovnania.axd>

Consultation of the draft amendment to the Act on Protection of Competition:

<http://www.antimon.gov.sk/532/4391/verejna-diskusie-k-navrh-u-novely-zakona-c-1362001-zz-o-ochrane-hospodarskej-sutaze-vyhodnotenie.axd>

U.K. Office of Fair Trading:

OFT's Quick Guide on Competition Law Compliance - aimed at owners and directors of small businesses (June 2011):

http://www.oft.gov.uk/shared_oft/ca-and-cartels/competition-awareness-compliance/quick-guide.pdf

How competition law applies to co-operation between farming businesses: FAQs – aimed at farmers and their advisers (November 2011)

http://www.oft.gov.uk/shared_oft/ca-and-cartels/OFT740rev.pdf

Office of Competition and Consumer Protection of Poland

Changes in Competition Policy over the Last Two Decades, 2010

<http://www.uokik.gov.pl/publications.php#faq1002>

The U.K. Office of Fair Trading

Government in markets: Why competition matters – a guide for policy makers
(September 2009)

http://www.offt.gov.uk/shared_offt/business_leaflets/general/OFT1113.pdf

Component 6. Media Relations

Using the media is an effective way to educate the public. If people see the benefits of competition authorities' actions in the media, they will gain a better understanding of the role competition policy plays. If they see the results of non-compliance in the media, they will be more likely to conform to competition laws. Dealing with journalists requires special skills and an awareness of how the media work. Here are most important aspects to consider for building successful media relations.

Working with the Media

- Identify at least one person in your competition agency to be the media contact. That person will determine whether to handle the matter or pass it along to another government official. It is interesting to note that different jurisdictions use different approaches in dealing with the media. Some jurisdictions empower employees of all levels to speak to the media, while others either have official spokespersons or have only the head of the authority as a spokesperson. In all cases, it is important for the spokesperson to have training.
- Be open and honest with the media – if your agency is secretive, its actions will get little coverage.
- Seek to build good relationships with reporters, and keep them well-informed (especially those having the long-term interest of strong competition policy). It is important to work with the media in ways that promote activism rather than passivity on their part. If they are made totally reliant on what the agency feeds them, the most you can expect is that they will also passively accept what the corporations give them.
- When talking with a reporter, remember that everything you say is on the record unless otherwise agreed upon. Do not reveal non-public information, even if a reporter asks leading or persuasive questions.
- Speak on behalf and from the positions of the agency. Try to avoid personal questions and “attacks.”
- If you don't know the answer to a question, don't try to answer it without verifying your response with agency officials. Tell the reporter that you will get back to him/her with an answer.

- Have a plan. Think beforehand about the key messages you would like the reporter to come away with, including the underlying messages of promoting competition and how this benefits consumers – lower prices, higher quality etc. Also, think about possible landmines – difficult questions that could arise.
- Don't play favorites. Treat all reporters equally, regardless of whether they are print or broadcast reporters.
- Remember that reporters are most likely working on a deadline, so to respond to their inquiries as soon as possible.
- Give reporters advance warning when you expect that something is going to happen. Tell them, without going into particulars, "I may have something you'll be interested in" or "you might want to stick around for an announcement", etc.
- To keep reporters constantly informed, some competition authorities set a fixed time of day when they send out releases via fax and e-mail. This is useful for reporters since they know what to expect. For example, the US Department of Justice issues daily press guidance and media advisories. This time can also be used to meet regularly with journalists and give them the opportunity to ask questions.
- Alternatively, some jurisdictions have set up an embargo system for issuing market-moving information in advance. This helps journalists digest the information before getting it out and, therefore, results in more accurate reporting. The EU has introduced an embargo system for important releases outside of its midday briefing. The system contains stiff penalties for breaking the embargo (three-month exclusion from the system for the 1st break, increased to six months for a second offence, nine for a third, etc.).
- Send out news releases for important announcements. When drafting a news release, try to think in terms of what a reporter would want to know. Read the news release **aloud from the perspective of a non-expert** and make sure it makes sense. To make your news releases more appealing to the media, try to lead with what actually happened ("A federal grand jury in Florida today indicted a dairy company president for announced the U.S. Attorney"), rather than with a lengthy legal description ("The Head of X Agency,....announced today the filing of a case against Mr. Jones for violating 18 U.S.C. section 2113 (a)....") This will spell out the story for the reporter and will require less effort on his/her part.
- Don't just fax or e-mail out news releases. It is helpful if someone from the office calls reporters as well. Tailor your pitch calls to interest individual

reporters. If possible, provide a local angle or reference the reporter's past work.

- Regularly track your media coverage to see who is reporting about your agency and about competition issues. Call them directly when a news release is issued. Get to know these journalists better by holding a media relations meeting or roundtable discussion with them. Invite officials from your agency as well, so that they too can become acquainted with these journalists.
- Make sure your media telephone and e-mail distribution contact lists are up to date. You should get home and cell phone numbers in case breaking news happens after regular business hours. You also may want to get an editor's number in case your reporter is out of town or on another assignment. This includes editorial staff writers.
- Offer reporters an official who can give background information and explain a charge, laws, possible penalties, etc. It will help make the final story more accurate.

Writing an Effective News Release

Why

A news release is the best way to get your message across, therefore, prepare it with care. Just as you are trying to reach journalists with your news, they are trying to reach their audience with their stories. The audience may not be familiar with competition issues and antitrust laws. Effective news releases should lead to a better overall public perception of the organization. By writing in a journalistic style, releases have a much greater chance of being used and turned into full stories.

How

News releases must be simple and easy to understand. They should **explain “what’s new” as high up in the text as possible and** contain all the necessary information on the companies, the market concerned, the impact on citizens/consumers and the specific case details. Use **plain language**. If you must use technical terms, always explain them clearly. **The release also should relate back to key messages about promoting competition and benefitting consumers.**

Agencies in different jurisdictions have developed their own style and structure for news releases and have produced the following guides:

Case Study: FAS-Russia: Building “bilateral” relationships with media

The FAS-Russia home web-page is designed so as to present the most recent cases and decisions made on them as well as the main competition advocacy initiatives on one hand and the comments to the agency actions in the media on the other hand.

The major requirement to the agency news releases is that it should be concise but descriptive enough to reflect the substantial aspects of the case.

Example of the FAS news release:

“On February 15, 2012 the Federal Arbitration Court of the Far Eastern Region upheld the decision of the Khabarovsk Territorial Office that established illegality of use of the fuel surcharge on the flights Khabarovsk – Niigata (Japan) – Khabarovsk and Khabarovsk – Moscow – Khabarovsk by the Vladivostok Avia air company.

In February 2010 Vladivostok Avia charged the fuel surcharge from the passengers to Niigata in amount of 456 RUR (about 15 USD) that was increased to 1260 RUR (about 40 USD) in April 2010. In that period of time the company also charged the fuel surcharge from the passengers to Moscow in the amount of 600 RUR (about 20 USD). The air company explained the additional charge by the increase in prices for aviation fuel. However, the Khabarovsk Territorial Office examined the prices for fuel in the same period in the airports of Khabarovsk, Niigata, and Vnukovo (Moscow) and did not find the increase in fuel prices there. Moreover, the fuel price in Khabarovsk airport reduced in that period. Vladivostok Avia failed to submit the documents confirming the fuel price increase to the agency. The fuel costs were already included in the air fare. The agency recognized the company guilty in violation of Article 10.1 of the Law on Protection of Competition (abuse of dominant position by imposing excessive prices).”

Copies of this and other releases are put on the FAS pages in the social networks like Twitter and Facebook for comments by the general public in order to solicit the feedback to the agency actions.

See <http://en.fas.gov.ru/> for the FAS news releases, legal and competition policy initiatives and media feedback to the agency actions (in English)

UK Office of Fair Trading

OFT refers audit market to Competition Commission (October 2011)

<http://www.offt.gov.uk/news-and-updates/press/2011/115-11>

OFT fines certain supermarkets and processors almost £50 million in dairy decision (August 2011)

<http://www.offt.gov.uk/news-and-updates/press/2011/89-11>

OFT refers frozen ready meals merger to Competition Commission (July 2011)

<http://www.offt.gov.uk/news-and-updates/press/2011/79-11>

U.S. Federal Trade Commission (FTC)

Dual Consent Orders Resolve Competitive Concerns About Chevron's \$18 Billion Purchase of Unocal, FTC's 2003 Complaint Against Unocal

<http://www.ftc.gov/opa/2005/06/chevronunocal.shtm>

Subprime Credit Card Marketer to Provide At Least \$114 Million in Consumer Redress to Settle FTC Charges of Deceptive Conduct

<http://www.ftc.gov/opa/2008/12/compucredit.shtm>

Federal Trade Commission, Consumer Financial Protection Bureau Pledge to Work Together to Protect Consumers

<http://www.ftc.gov/opa/2012/01/ftccfpb.shtm>

Attracting the attention of broadcast media

Demands of the electronic media are quite different than those of print journalists. Journalists working in radio and television have very little time to tell a story. Typically radio news items are 30 to 60 seconds. Television stories normally run between 90 seconds and three minutes. Interviews have to be extremely concise due to time constraints and reporters also require interesting visual pictures to help tell the tale.

Develop relationships with specialized reporters

- Research media outlets and shows
- Identify individual reporters that regularly cover competition-related issues
- Proactively advise them of upcoming issues that would be appealing for them to cover.

Train spokespeople

- Train spokespersons to condense a complex story into a 20 or 30 second clip and to distil the essence of a case in basic terms
- Coach spokespeople to convey key messages and stick to them, without being shaken by the line of questioning of the journalist
- Have selected rehearsed interviewees available as part of a media strategy for any big announcement.

Think visually

- When planning communications, think of simple visual examples that illustrate what the case is about
- Offer television/radio facilities for major announcements where possible
- Use video news releases (VNRs) where appropriate - essentially, pre-packaged interviews/background footage (Note: VNRs should be clearly labeled as releases – some government agencies have run into trouble when VNRs that left the impression that they were independently produced segments.
- Enrich news releases with video and audio (MP3 format) comments of the agency officials.

Examples:

Office of Competition and Consumer Protection of Poland

UOKiK breaks next collusions- news release with video comment of the President

http://www.uokik.gov.pl/aktualnosci.php?news_id=3191&news_page=1

UOKiK decides - PLN 113 mln for cartel of operators- news release with audio comment of the President

http://www.uokik.gov.pl/aktualnosci.php?news_id=3085&news_page=7

Attracting the attention of broadcast media

Video news releases (VNRs)

Video News Releases are the television version of news releases. They are an effective way to send broadcast media the prepackaged clips they need for stories.

News Conference Tips

- Stand straight, weight evenly distributed between both feet. (Never slouch or lean on the podium or shift from side to side in and out of camera range--you'll look nervous or uncomfortable with the subject matter.)
- Stand at the podium at all times when speaking so that the microphone can pick up your statements. Remember, when using charts, simply point to the chart being referenced. Do not go over to the chart--camera and radio reporters will not be able to pick up the sound.
- Your opening statement should be short. Talk about the action the agency is taking, the purpose of the action and what is alleged.
- If more than one person is speaking at the news conference, nominate one person as a main speaker, who can give a floor to co-speakers. This will insure that the news conference runs more smoothly in terms of passing floor to different speakers.
- Speak in a strong, clear voice. Don't be afraid to use intonation. Nothing is more boring than a monotone speaker. Remember to speak slowly.
- Speak in short "sound bite" sentences. This will give you the best chance to make network news.
- Put together the three most important points that you should use throughout the news conference. Use your significant points often as it is important that the message you want to convey gets across to reporters.
- Remain "in control" of the news conference by calling on and pointing to individual reporters during the Question and Answer period. You determine when you are ready for the next question and who will get to ask it--call on those who haven't had a chance to ask one yet. Look to the other side of the room for the next question.
- Hand motions are good when they explain and emphasize your point. Be aware of how you use your hands and that the still photographers will shoot each time

you use your hands (the noise can be distracting). Avoid scratching your head--it will look like you're confused.

- If you don't know the answer, don't respond to the question immediately--just say you'll look into it specifically and get back to them.
- Don't repeat the negative of a question. For example, if asked "Will this hurt the consumer?" Don't say "No, this will not hurt the consumer," instead turn it into a positive statement and say "This will be good for the consumer." Remember, their questions will usually not be heard--only your answer.
- Do not be hostile or defensive when talking to reporters. Your attitude and actions affect the message.
- Bridge into something you'd like to discuss. If asked about a negative or technical aspect of the case, quickly answer with a word or two and then transition into something positive or some part of your message with "What's really important here is..." or "It's important to remember...."
- Avoid technical or legal jargon.
- When it's time to bring the news conference to a close, (because the questions are getting repetitive or you're tired), either you or a Public Affairs representative can announce, "We have time for only one more question." Don't wait until they're finished asking questions.
- Hold a mock news conference. This will give you an opportunity to rehearse the significant points that you would like to make. It will also help you to be better prepared for reporters' questions.
- Think about the background of your news conference. Don't ever stand in front of a blank wall. Flags, the agency's seal, plants, curtains (blue, green, red,...) are good visuals.
- Think about clothing. For men--a dark suit and bold (but not busy) tie. For women--a bold, solid- colored dress/suit. Avoid stripes and loud patterns.

Communications Planning

A communications plan provides the framework for making an announcement or preparing a public response to an issue. It outlines the goals to be achieved through communicating, the strategy to achieve those goals and the specific tactics. A communication plan can position an organization in the marketplace, set strong and obtainable objectives, and keep messages on target. All communications products should evolve from the communications plan.

In finding balance between technical jargon and means of efficient simplified communication, it is important to remember that technical rigor should not be compromised in the resulting key messages.

Interview Briefing

Briefing Procedures for Media Interviews

Providing competition authority spokespersons detailed information about upcoming media interviews is a critical public affairs officer duty. Below are guidelines for allowing Public Affairs Officers to best inform and prepare those for whom we arrange media interviews. For example, the following background information can be conveyed to the interview subject either in memo, e-mail or verbal communication (depending on timing) covering the following details:

- Key messages – what messages should the reporter take away from the interview, and what difficult questions could potentially arise during the interview.
- The groundrules - is the interview on the record, off the record (the reporter can use the information to guide their thinking, but cannot quote anything), or on background (the reporter can use quotes attributing them to an anonymous source).
- Interview logistics - Information about when, where (an address, room number, etc.), how long the interview is expected to last. For phone interviews, determine which party is expected to place the call. Where possible, provide a back up contact (an administrator, a managing or assignment editor) should the reporter not be immediately available for the appointment.
- Publication - A profile or overview of the readership, circulation, mission, frequency (daily, weekly), format (trade publication, magazine), etc.
- Recent coverage - Attach to the memo any articles written by the reporter or from the publication related to the subject at hand.

When time allows, arrange a practice session reviewing possible questions and critiquing proposed answers. Public Affairs Officers should provide as appropriate talking points along with a list of recommended phrases or words that when used during the interview would promote the competition authority in an accurate light.

The information should be provided to the interview subject as far in advance of the meeting/phone call as possible.

Choosing Language for Communications to Media

Clear, straightforward language is key to ensuring one's message is understood. Economists and lawyers are trained for using "economese" and "legalese," but they must remember the ultimate audience when drafting their work for public use. Using recommendations below can be helpful for improving comprehensibility and acceptability of competition advocacy messages for different types of the target audience (see Component 5 above).

Style

- Use active voice as much as possible
- Use as few words as possible
- Avoid Latin words, complex legal terms and complex economic terms
- Vary sentence length
- Always check for grammar and spelling
- Try to focus on what's new, rather than on the process behind the news

Organization

- Draft logical sequence of paragraphs enabling the reader to understand easily
Put the news in the release as close to the top as possible

Layout

- Use short paragraphs
- Use headings to help the reader follow the logic
- Use bullets/numbers where appropriate in order to add clarity
- Add hyperlinks to relevant materials

Offer training

- Create a one-day course on plain language writing skills, with practical exercises

Proofreading by communications

- All documents should be reviewed by a communications advisor/officer to ensure they are written in plain language

Read aloud

- If the passages are difficult to say orally, it's a sign that the language is not plain enough

Examples:

Polish Office of Competition and Consumer Protection's contest for journalists (*Libertas et Auxillium*)

In order to support the journalists' interest in competition and consumer protection issues UOKiK organizes annually competition for them (*Libertas et Auxillium*) and honour the best articles and broadcasts dealing with competition and consumer protection.

Press release:

http://www.uokik.gov.pl/news.php?news_id=2171

Case Study: New Zealand Commerce Commission – Choosing Language for Communications to Media

The NZCC has made a commitment to Plain English. The agency brought in external specialists to provide Plain English training to all staff. All new documents are to be created in Plain English style, and some existing Fact Sheets and Guidelines are being re-written. The agency is in process of updating its Style Guide to reflect these, and other, changes.

Employee Involvement in Competition Advocacy and Internal Communications

Strong internal communications enables authorities to ensure transparent and consistent communication with external audiences. Internal communications is often ignored, but it is very important since each employee is a potential ambassador for your competition authority. The messages employees give out about where they work contribute to the overall image of the organization. It cultivates an environment with strong employee morale, which ultimately leads to better productivity.

Sharing the responsibility for communications

Employees are natural ambassadors for an organization. Ideally every employee should be able to tell his or her friends and neighbours what they do and how it benefits

individuals. This leads to a greater awareness of the organization amongst the general public.

Some competition authorities train employees as media spokespeople for major issues and cases, so that those closest to a case are able to share information about it. Employees are the most credible sources; they can tell their story the best.

In dealing with the media, a balance must be struck between tightly requiring all inquiries to be filtered through the media office or allowing reporters to speak directly with case handlers and policy people with minimal or no press office filtration. Top management usually wants to control communications, but this can backfire when carried too far. Reporters are often frustrated when they have to deal with an agency press office and may become less diligent in obtaining information and views from the agency. On the other hand, staff not in the press office may speak "out of school" or wander "off the reservation" and undermine the media strategy of top management. An accommodation can be reached if there is a reasonably clear understanding within the agency as to when staffers may speak with the press and their parameters. They should receive training from the press office. Having a clear policy and training on when staff may speak to the press and on what matters will ensure that staff do not undermine that media strategy.

Seeing the results of their work in the media motivates employees. They are proud of the coverage their cases receive and realize the tangible benefit of greater awareness. Coverage of the competition authority's work can also lead to interested applicants.

Tips

- Develop an intranet site to share information more effectively.
- Ensure that the information on agency overall policy objectives and activity is internally circulated between departments to ensure a coherent message.
- Incorporate communications planning into all major cases so that the outcome of enforcement work is transmitted to the public.
- Organize seminars for the agency staff on the importance of communications and media relations.
- Develop informative and entertaining orientation programs, so employees know how their work fits into the organization as a whole and contributes to the public wealth.

Keep an open relationship between managers and staff. Managers must ensure major decisions and policies are communicated to staff members, to reduce confusion and misinterpretation.¹

¹ Please see the ICN Competition Agency Effectiveness Working Group work products on human relations and employee motivation for more detail on employee motivation and internal communications.

Component 7. Extending the Reach of a Competition Agency Web site

A competition agency's web-site is one of the most important means to address various types of stakeholders interested in competition enforcement and policy matters. One of its most important advantages is that it helps to inform and address the stakeholders on an ongoing basis and convey the competition agency message to them directly and, therefore, avoid its misinterpretation by the media. The basic components of a Web site are:

- Menu with clearly identified sections
- Menu that is available on every page for easy navigation
- "Who we are" section
- "What's News" section
- Search function
- Contact information
- Relevant Legislation
- Publications
- Media Room (for news releases, advisories, speeches - posted as close to real time as possible)
- Consumer Information
- Business Information
- Frequently Asked Questions
- Site Map
- Related Links
- Help Section
- Alternative print format for publications for easy printing
- Easy to remember URL, ex.: www.cb-bc.gc.ca
- Very little graphics and images
- On-line enquiry form
- Registration with major search engines

Additional web-site features that help to reach the stakeholders and target audiences of the competition agency include:

Interactivity

- Develop a user-friendly Web site and highlight those sections most useful to consumers/general public
- Provide interactive learning tools with audio and video

Links

- Look for sites that house competition and consumer-related information
- Ask to be added as a link in their resources section
- Develop relationships with other organizations who will house the link

Listserv

- Give users the option to subscribe to an automatic service to receive electronic notification when anything new has been published to the site or has been updated
- Provide the subscribers with competition agency news letters, bulletins and other updates on cases considered by the agency or/and competition policy issues and other developments
- Offer subscribers choice in the type of information they want to receive
- Track users and most popular features on site

Surveys

- Survey users on how the site could be improved

Examples:

CASES (similarly to these in Part 1 of the Toolkit) with web-links to the documents like these above. It is recommendable to provide the agency experience in designing and updating its web-site, use of subscriptions, abstracts from agency documents guiding its web-site policies, examples of the reactions of different types of stakeholders to the information placed on the competition agency web-site and other issues touched upon in this component.

Case Study: The Bulgarian Commission on Protection of Competition - Extending the Reach of a Competition Agency Web site

The website of the Commission on Protection of Competition (CPC) provides a detailed account of the work of the Commission and serves as a useful tool for establishing dialogue with the general public, the business and the media. The website is updated on a daily basis and contains news that reflect the work of the Commission on the application of the Law on Protection of Competition (LPC), the Public Procurement Act (PPA) and the Concession Act (CA). Once adopted the decisions and rulings of the CPC are published in the public electronic register. The website contains information about forthcoming concentrations in relation to which all interested individuals can express their opinions in writing.

The CPC website presents in detail in both English and Bulgarian the current legislation in the field of competition and appealing of procedures under the PPA and the CA. A separate section in the website is devoted to information about the Programme on Immunity from Fines or Reduction of Fines in case of participation of an undertaking in a secret cartel (Leniency programme).

Case Study: The UK Office of Fair Trading

The OFT's Use of Social Media: Twitter

Since September 2010, the OFT has been extending its web presence and reach through use of Twitter, an online social networking service. Twitter enables users to send and read text-based posts of up to 140 characters, informally known as "tweets".

The OFT's Twitter account (@OFTgov) is managed by an internal communications team on behalf of colleagues across the OFT. The OFT "tweets" approximately once per day. Tweets may include the following:

- alerts about new content on the OFT's other digital channels (news, publications, videos on YouTube, speeches, publicity campaigns, etc.)
 - e.g., "OFT Chairman Philip Collins' speech on Competition Law: Sanctions, Redress and Compliance now published <http://www.offt.gov.uk/news-and-updates/speeches/2011/1211>" (June 29, 2011)
- invitations to provide feedback on specific issues on which OFT is consulting.
 - e.g., "OFT publishes economic discussion paper on competition and growth <http://tinyurl.com/cqf9auq>" (November 23, 2011)

In its first year of use, the OFT has accumulated nearly 2000 subscribers to its Twitter feed. While the OFT is not able to reply individually to all messages received via Twitter, the digital media team ensures that any emerging themes or helpful suggestions identified by users are passed along to the relevant people in the OFT.

To follow the OFT on Twitter visit www.twitter.com/#!/OFTgov

For more information on the OFT's Twitter policy see: <http://www.offt.gov.uk/news-and-updates/twitter/>

UK Office of Fair Trading: E-mail alerts and RSS service

http://www.offt.gov.uk/news-and-updates/e_services/

Case Study: Office of Competition and Consumer Protection of Poland (UOKiK)

On regular basis UOKiK is improving its web site in order to achieve higher functionality and meet the users' needs. A new information portal of UOKiK was launched in 2011. Using the latest IT solutions, clear structure and new layout, users are provided a better access to information. Recent changes involved adding "share this" buttons allowing to share particular information or news releases on social portals like Twitter, Facebook and several others. Each user can also subscribe to RSS or newsletter. We have also developed the data base containing all of the UOKiK's decisions by adding the conclusions of court judgments.

Case Study: The Netherlands Competition Authority (NMa)

Consuwijzer

ConsuWijzer is the information helpdesk for consumers, offering practical tips and advice about their rights. The helpdesk, is an initiative of three supervisory bodies, namely the Consumer Authority, the Netherlands Competition Authority (NMa) and the Independent Post and Telecommunications Authority (OPTA). For consumers with complaints and problems the barrier to obtaining justice often seems high, and ConsuWijzer is seeking to lower that barrier. A few additional tools at their disposal should make consumers feel more confident about standing up for their rights.

It is clear from the popularity of the model letters on ConsuWijzer that there is a substantial demand for such tools among consumers. In the first six months of 2011 the use of model letters rose by 14% compared to the same period in 2010. In total they were used more than 250,000 times in 2011. Sometimes consumers are reluctant to confront the retailer. In spite of the fact that it is quite normal to take action when you think you are within your rights. Consumers with a success story can therefore serve as an example to other consumers. Proper preparation is also very important. Being fully aware of your rights is only part of such preparation. A well-prepared consumer can articulate his problem, knows what questions he is likely to be asked, and defines his objectives for the interview in advance. In the first half of 2011 ConsuWijzer received some 44,000 questions and reports from consumers through their helpdesks. During this period the website was visited almost a million times. This is comparable to the same period last year, although the number of questions asked actually declined. This is partly because the information on the website has been revised in such a way that it is easier for the consumer to find the information he is looking for.

In November 2011 the Dutch public have named Consuwijzer.nl the 'Best government website' of the year for the second time in row.

Component 8. Research and Consultation

Why

Research and consultation serve as important ways to develop advocacy and communications approaches. Knowing attitudes and perceptions of various types of the stakeholders (see Component 5) is important because it can indicate how receptive they will be to competition advocacy messages and, therefore, help to draft these messages in a manner most understandable and acceptable for the stakeholders. Feedback on a competition authority's advocacy messages, competition initiatives and proposed policies is a good way to evaluate competition advocacy activities.

Assessment of the stakeholders' actual and potential reactions to advocacy messages should be delineated from the assessment of the market reactions to government policies involving competition aspects described in more detail in Component 4.

Research and consultation can be used to:

- Learn about awareness and perceptions
- Evaluate/measure impact or changes in levels of awareness, knowledge, acceptance, attitudes, relationships or behaviours
- Evaluate Web sites
- Evaluate services
- Define issues of focus
- Get feedback on proposed guidelines

How

- Focus groups
- Public meetings
- Web sites
- Polling
- Interviews, in person or by telephone
- Surveys, in person, by telephone, by mail or electronically
- Monitoring and evaluation of media coverage to see which issues are covered the most.

Examples of research initiatives:

The UK Office of Fair Trading

Website feedback form:

<http://www.offt.gov.uk/feedback/>

Consultation on updated penalty and leniency guidance (October 2011)

<http://www.offt.gov.uk/news-and-updates/press/2011/116-11>