

INTERNATIONAL COMPETITION NETWORK ADVANCES COOPERATION AND CONVERGENCE AT 12TH ANNUAL ICN CONFERENCE

- More than 500 delegates, representing more than 80 competition agencies and other competition experts from around the world, met to discuss key competition issues at the 12th International Competition Network (ICN) Annual Conference (Conference), which was held from April 24 until April 26, 2013 in Warsaw, Poland.
- ICN adopted new work product on:
 - economic analysis in merger review,
 - legal theories in exclusive dealing investigations,
 - international cooperation and information sharing in cartel enforcement,
 - investigative processes in competition cases,
 - competition assessments of legislation and messages about the benefits of competition, and
 - competition agency engagement with courts and judges.
- The ICN Steering Group was confirmed for the 2013-2015 term. Mr. Eduardo Pérez Motta, President of the Mexican Federal Competition Commission (CFC), was re-elected as ICN Steering Group Chair.

The Poland's Office of Competition and Consumer Protection (UOKiK) hosted the Conference. More than 500 delegates participated, representing more than 80 competition agencies from around the world, including competition experts from international organizations and the legal, business, consumer and academic communities. The ICN adopted new work products on:

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Mr. Bronislaw Komorowski, the President of Poland and Ms. Malgorzata Krasnodebska-Tomkiel, the President of the UOKiK opened the conference, and then Mr. Eduardo Pérez Motta, the ICN Chair and the President of the CFC, spoke about ICN initiatives to promote competition policy with economic policymakers and to support ICN members' domestic reforms.

“The ICN is a powerful instrument and we should not underestimate the potential influence of 127 agencies speaking with one voice to support one of our own, on the basis of well-founded and time-tested best practices,” said Chairman Pérez Motta.

At the Conference, the 2013-2015 ICN Steering Group was confirmed and Mr. Pérez Motta was re-elected as ICN Steering Group Chair.

The Conference included a panel on competition and its relevance to the global economic policy discussion. Mr. John Fingleton, former ICN Chair, moderated the discussion with representatives from the World Trade Organization, the World Bank, the International Chamber of Commerce, and the former Economic Advisor to the President of Poland. Mr. Joaquin Almunia, the European Commission's Vice President and Commissioner for Competition, also addressed Conference participants, calling on governments to maintain robust competition rules and support the agencies that implement them.

The Conference showcased the achievements of ICN working groups on advocacy, agency effectiveness, cartels, mergers, and unilateral conduct, as well as recent ICN work in the areas of enforcement cooperation and working with courts and judges.

The Advocacy Working Group, co-chaired by the French Autorité de la Concurrence, the Portuguese Competition Authority, and the Competition Commission of Mauritius, develops practical tools and guidance to improve the effectiveness of ICN members' competition advocacy activities. This year, the working group developed draft guidance on the procedural and analytical aspects of assessing existing or proposed laws and regulations to determine whether they may have a significant impact on competition. The group also presented its work on practical methods and techniques to help promote a competition culture and strategies for explaining the benefits of competition to other government entities.

The Agency Effectiveness Working Group, co-chaired by the US Federal Trade Commission, the Mexican Federal Competition Commission, and the Norwegian Competition Authority, examines the institutional and procedural factors that support the enforcement missions of competition agencies. A panel discussion highlighted the group's work related to investigative tools and agency transparency practices, part of a broader project working on the investigative processes for competition cases. New training modules on planning and conducting investigations, competition advocacy, and challenges for agencies in developing countries were highlighted. The modules are part of the ICN's Curriculum Project to create a "virtual university" of training materials on competition law and practice. The working group also presented two new chapters on knowledge management and human resources management for its competition agency practice manual.

The conference also highlighted the work of the Cartel Working Group, co-chaired by the US Department of Justice, the Japan Fair Trade Commission and Germany's Bundeskartellamt. The working group brings together antitrust enforcers to address the challenges of anti-cartel enforcement, through the examination of important policy topics and the exchange of effective investigative techniques. The group presented a new chapter on international cooperation and information sharing for its Anti-Cartel Enforcement Manual, a reference tool for antitrust agencies on effective investigative techniques.

The Merger Working Group, co-chaired by the European Commission's Competition Directorate, the Competition Commission of India, and the Italian Competition Authority aims to promote best practices in the design and operation of merger review regimes. The panel discussed the group's revised handbook chapter on the role of economic evidence in merger analysis, which provides a comprehensive overview of the qualitative and quantitative analyses antitrust agencies may undertake when they review horizontal mergers.

The Unilateral Conduct Working Group, co-chaired by the Swedish Competition Authority, the Turkish Competition Authority, and the UK Office of Fair Trading, promotes convergence and sound enforcement of laws governing conduct by firms with substantial market power. The working group presented a new workbook chapter on exclusive dealing arrangements as part of a larger effort to develop a practical guide to the investigation of various types of unilateral conduct.

The Polish UOKiK led a year-long special project devoted to the interaction between competition agencies and courts, culminating in a comparative report and plenary session led by UOKiK President Malgorzata Krasnodebska-Tomkiel on effective decision drafting, presenting economic evidence in competition cases, and competition agency engagement with courts and judges.

Over the past year, the ICN partnered with the Organization for Economic Cooperation and Development's Competition Committee for a comprehensive study of the state of international enforcement cooperation. This work was presented at the conference and included a discussion of the strengths and limitations of current cooperation frameworks. The panel also discussed future ICN work that could best help agencies address the challenges of engaging effectively in international enforcement cooperation.

The 2014 ICN Conference will take place from April 23 until April 25, 2014 in Marrakech, Morocco, followed by Sydney, Australia in 2015.

The ICN was created in October 2001, when competition agencies from 14 jurisdictions to increase understanding of competition policy and promote convergence toward best practices around the world. The ICN now includes 127 member agencies from 111 jurisdictions.

ICN documents are available at www.internationalcompetitionnetwork.org.

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