International Competition Network

NEWS RELEASE
17 MAY 2019
CARTAGENA, COLOMBIA

Today, the International Competition Network (ICN) concluded its 18th annual conference with approval of new work on procedural fairness, vertical mergers, enforcement cooperation, agency organizational design, leniency, private enforcement, and vertical restraints. The conference took place 15-17 May in Cartagena, Colombia, hosted by Colombia's Superintendencia de Industria y Comercio (SIC). Approximately 500 ICN member agency representatives, private sector non-governmental advisers, academics, and representative of other international organizations from over 80 jurisdictions attended the conference.

In his opening speech Andreas Mundt stated "There is no official overarching theme for the conference, but the clear focus is on two topics, first, on the digital economy, and second, on investigative process. The ICN CAP is a huge step forward in this regard."

The plenary sessions inter alia dealt with the question of how agencies can uncover and punish cartels in the digital era, the assessment of dominance in digital and high tech sectors and agency restructuring to meet the challenges of digitalisation. A session limited to agency heads also focussed on digital issues.

The ICN introduced two new instruments on procedural fairness in competition law investigations and enforcement proceedings. The **ICN Framework for Competition Agency Procedures (CAP)** went into effect with over 60 agency participants. The CAP is an opt-in implementation framework with fundamental procedural fairness principles backed by cooperation and review provisions. The CAP principles are fully consistent with the extensive work of the ICN in this field, reflecting the broad consensus within the global competition community. The CAP allows for agency-to-agency dialogues to increase understanding of differences in agency procedures. It also promotes transparency about agency procedural rules through templates that explain how each participant's procedures match CAP principles. The CAP is ICN's third opt-in framework joining enforcement cooperation frameworks on mergers and cartels. The deadline for founding members is Wednesday, 22 May.

The ICN approved new **Recommended Practices for Investigative Process (RPs)** that address key procedural fairness themes of appropriate use of investigative tools, transparency, engagement with subjects or parties, agency decision making safeguards, and confidentiality. The ICN RPs are its highest-level consensus statements on procedural fairness practices approved by its membership.

The detailed recommendations for agency practices in the RPs, and the basic principles and implementation framework in the CAP provide a comprehensive package of procedural fairness

guidance for competition agencies. The ICN's consensus work on procedural fairness puts its member agencies voices at the forefront of international norm-setting on this important topic.

The ICN membership approved new work at the conference addressing several areas of competition law and policy. On cartels, the ICN approved new, detailed Good Practices for incentivising leniency, providing practical advice to agency on useful practices that have worked well around the world. The ICN's cartel working group also produced a new report on the interaction of private and public enforcement. The ICN's merger working group produced new practical tools for enforcement cooperation, including considerations for the types of information that can be shared, and an innovative comparative report on approaches to vertical merger analysis. On the topic of unilateral conduct, the ICN introduced its most comprehensive work on vertical restraints, a new comparative evaluation of approaches to common hypothetical cases studies. The conference also included the announcement of the winners of the 2018-2019 ICN-World Bank Competition Advocacy Contest. For more information on the contest, see https://www.worldbank.org/en/events/2018/12/06/2018-2019-competition-advocacy-contest#4.

The ICN also announced that its 2020 annual conference will take place in the United States, hosted by the U.S. Federal Trade Commission and the U.S. Department of Justice, Antitrust Division.

The ICN, founded in 2001, is the most inclusive and productive competition agency-led collaboration, with 139 member agencies from 126 jurisdictions. The ICN's mission is to promote convergence of practices and cooperation among agencies.

All of the ICN's work produce is available on its website at:
https://www.internationalcompetitionnetwork.org/