

ICN Framework for Competition Agency Procedures (CAP)

MISSION

The CAP's primary mission is to promote the implementation of the principles which establish minimum standards of procedural fairness and transparency within competition agencies. The CAP Co-chairs will support participants that have signed up to the CAP and assist them to comply with the framework and facilitate experience-sharing among participants.

ORGANIZATION

The CAP Co-chairs are the Australian Competition and Consumer Commission, the German Bundeskartellamt and the United States Department of Justice Antitrust Division.

Participants of the CAP include both ICN member and non-member jurisdictions.

CAP CO-CHAIRS 2019-2020 ANNUAL WORK PLAN

The CAP Co-chairs will in the period 2019-2020 undertake the following main activities to achieve the mission and strategic goals of the CAP.

Strategic Goal	2019-2020 Work Plan activities	Status
A. Facilitate participation in the CAP	<ol style="list-style-type: none"> 1. Advocacy efforts for greater participation 2. Promote the completion of CAP templates 	<p>Ongoing</p> <p>Builds on previous work</p>
B. Provide practical tools, guidance and forums for sharing experiences about implementation of the principles	<ol style="list-style-type: none"> 1. Sessions at ICN events 2. Webinars 3. Responses to participant queries 	<p>Builds on previous work</p> <p>Prioritized, new work</p> <p>Ongoing</p>
C. Increase the CAP's online presence	<ol style="list-style-type: none"> 1. Regularly update the list of CAP participants 2. Develop CAP content on the ICN's website 	<p>Ongoing</p> <p>Ongoing</p>

A. Facilitate participation in the ICN CAP

The CAP Co-chairs will work to generate wide participation in the CAP from competition agencies worldwide. This will involve participants making their commitment to procedural fairness and transparency to the public, and will result in an improved environment for international cooperation.

Advocacy efforts for greater participation

The CAP Co-chairs will promote the benefits of becoming a CAP participant to ICN member and non-member competition agencies as opportunities arise for them to do so (such as in bilateral, regional

or international meetings) and in consultation with the other CAP Co-chairs. The principle advocacy efforts will include ongoing calls, side meetings with ICN member and non-member competition agencies. There will also be communications to ICN members via ICN newsletters promoting the benefits of the CAP.

Widespread adoption of the ICN CAP will help promote implantation of principles of procedural fairness, including for newer competition agencies operating in different political and legal environments.

Implementing the principles can help improve the quality and consistency of global competition law enforcement, and creates better conditions for improved cooperation between agencies. Enhancing agency transparency on enforcement procedures will aid agency willingness to both informally and formally exchange information and provide assistance.

Promote and assist with the completion of ICN CAP templates

Participation in the ICN CAP obliges agencies to complete a template outlining how each participant complies with the procedural fairness and transparency agencies.

The CAP Co-chairs plan to facilitate completion of the templates through a number of activities. This includes providing the Co-chairs' completed templates as examples for participants to use as a reference, offering assistance to participants, and regular email contact with participants reminding them of the due dates for ICN CAP templates.

The Co-chairs will send a welcome email in September 2019 that will remind ICN CAP participants of the due date for templates, and will also circulate the CAP 2019-2020 Work Plan.

The Co-chairs will provide ongoing assistance to participants requesting assistance to complete their templates during 2019/20. Participants can contact the Co-chairs as a group to request assistance or approach one of the Co-chairs directly.

B. Share ideas, examples and experiences

Sessions at ICN events

The Co-chairs will host sessions on the ICN CAP at ICN events where appropriate. For instance, there will be a session at the ICN Cartels Working Group Workshop in October 2019. The session will:

- Allow the Co-chairs to update participants on recent ICN CAP developments;
- Discuss the process of completing their templates;
- Share internal training they are planning to run/have run on the ICN CAP;
- Outline internal reviews they are/have been conducting to assess whether their agency policies and procedures are in line with the ICN CAP obligations; and
- Provide a forum for discussion and contributions from other Workshop attendees on these topics.

The CAP Co-chairs will also host a further session at the next ICN Annual Conference in May 2020.

Attendees will be asked for feedback about CAP sessions at ICN events, and additionally the Co-chairs will request that the organisers pass on any relevant feedback received.

Webinars and teleconferences

The CAP Co-chairs propose to host webinars and/or teleconference calls for ICN CAP participants throughout the year. These will allow participants to seek assistance preparing their templates or share their experiences implementing the ICN CAP principles in their jurisdiction. It will also allow explore the practical application of the ICN CAP principles. The Co-chairs will share responsibility for hosting these events on a rotating basis.

C. Increase the CAP's online presence

Template dissemination

The Co-chairs will share responsibility for ICN website maintenance as it relates to the CAP. The Co-chairs will make the CAP templates available on the ICN website when they are completed, as well as updating the participant list as necessary.

Easy access to the participants' completed templates will facilitate greater interaction between agencies on issues of procedural fairness and transparency. It will also allow the work products to reach a wider audience and facilitate accountability.

The Co-chairs will promote their work on the implementation of CAP principles through their own website and social media accounts, and encourage CAP participants to do the same.

Proposed timeline for ICN CAP activities

Month	Activity	Organiser
September 2019	Welcome email	US DOJ to draft on behalf of all Co-chairs.
October 2019	Session at Cartel Workshop	Co-chairs
	Teleconference to answer questions on templates	Co-chairs
November 2019	CAP Call	ACCC
December 2019	Publication of completed templates	Co-chairs
May 2019	Session at ICN 2020 Annual Conference	Co-chairs
Ongoing	Responses to queries	Co-chairs
	Receipt and publication of completed templates	Co-chairs

Queries about the CAP

CAP Participants or potential-Participants are invited to direct their queries to the Co-chairs. Co-chairs will respond to queries they receive directly.