



**ICN Steering Group Meeting**  
**Wednesday, 18 September 2019, 2pm CEST**

**Attendees**

Australian Competition and Consumer Commission  
Brazilian Administrative Council for Economic Defense  
Competition Bureau Canada  
Colombian Superintendencia de Industria y Comercio  
European Commission DG Competition  
French Autorité de la concurrence  
German Bundeskartellamt  
Hungarian Competition Authority  
Italian Autorità Garante della Concorrenza e del Mercato  
Japan Fair Trade Commission  
Korean Fair Trade Commission  
Mexican Federal Economic Competition Commission  
Netherlands Authority for Consumers and Markets  
Portuguese Competition Authority  
Federal Antimonopoly Service of the Russian Federation  
Competition Commission of Singapore  
Competition Commission of South Africa  
United Kingdom Competition and Markets Authority  
United States Department of Justice  
United States Federal Trade Commission

**Item 1: Approval of Agenda and Minutes**

The Chair welcomed the Steering Group (SG) members. The SG approved the proposed agenda and the minutes of the SG meeting on July 3, 2019.

The Chair thanked Toh Han Li, Commissioner of the Competition Commission of Singapore, for his contribution to the ICN as SG member and ICN Vice Chair. The Chair informed the SG members that a SG member expressed interest to serve as Vice Chair and that the SG would be consulted regarding this decision at the October SG meeting.

**Item 2: ICN CAP**

The Co-chairs of the ICN Framework on Competition Agency Procedures (ICN CAP) informed the SG members about their meeting on 28 August 2019 and their plans for the ICN year 2019/2020. The ICN CAP Work plan will be finalized soon. The focus will be on advocating for greater participation, promoting the completion of CAP templates, providing forums for

sharing experiences about implementing the principles and increasing the ICN CAP's online presence.

### Item 3: Vice Chair for Young Agencies and Regional Diversity

The ICN Vice Chair for Young Agencies and Regional Diversity informed the SG members of an updated proposal regarding a project with the aim to increase ICN outreach and involvement of younger agencies to be presented at the October SG meeting.

### Item 4: Competition, Consumer & Privacy

The Chair updated the SG members on the scoping work related to a potential project dealing with issues at the intersection of competition, consumer protection and data privacy. The Chair reminded the SG members that the SG identified the intersection of competition, consumer protection and data privacy as a possible area for future ICN work. As a next step, the SG members will discuss possible questions the project could address, the methodology, the purpose and the output. To facilitate this discussion, the US FTC is working on a scoping note which will be discussed during the October SG meeting.

### Item 5: Workshops

The Cartel Working Group Co-Chairs presented their plans for the Cartel Workshop that will take place in Foz do Iguaçu, Brazil from 7 – 10 October 2019 and will be hosted by CADE.

The Unilateral Conduct Working Group Co-chairs presented their plans for the Unilateral Conduct Workshop that will take place in Mexico City, Mexico from 14 - 15 November 2019 and will be hosted by COFECE.

The Chair informed the SG members that the Merger Workshop will be hosted by the Australian CCC and will take place in Melbourne from 27 - 28 February 2020 and that the Chief/Senior Economist Workshop will take place in Bergen, Norway, from 21 - 22 April 2020 and will be hosted by the Norwegian competition authority.

### Item 6: Annual Conference

The US FTC and US DOJ (2020 host agencies) provided an update on the planning of the 2020 Annual Conference which will be held at the UCLA Luskin Conference Center in Los Angeles, California USA from Tuesday, May 12 - Thursday, May 14, 2020.

The 2020 host agencies informed the SG members that the venue offers a variety of rooms which allows additional sessions and new formats.

These agencies also updated the SG members on a possible offer from the American Bar Association and the California State Bar Association to the ICN to provide financial support for the social events. The ICN Operational Framework deals with the funding of ICN events and states that host agencies may accept funding provided that funds are notified to either the ACPC or SG members and that no sponsorship gives rise to a perception of a conflict of interests. In 2016, the Operational Framework Working Group developed funding guidance

for event hosts. In the guidance document, sponsorship by bar associations is listed as an example of sources that need a case-by-case assessment. The 2020 host agencies explained that there are no indications of any conflicts of interest and that they would keep the SG informed about any recognition the bar associations would expect in return. No SG member raised concerns and the SG members asked the ACPC and the host agencies to keep the SG members aware of any new developments related to this matter.

#### Item 7: UNCTAD

The ICN-UNCTAD Liaison reported back on the approval at the 18th session of the UNCTAD IGE Competition Law and Policy, which took place from 10 – 12 July, of the Guiding Policies and Procedures under Section F of the UN Set on Competition concerning international cooperation.

Two years ago, UNCTAD established a Discussion Group on International Cooperation with the objective of drafting guidelines on international cooperation. Despite starting from different positions, the Discussion Group achieved a common position under the leadership of agencies such as FAS Russia, US FTC and Japan FTC. The Guidelines are particularly targeted to developing countries and countries with economies in transition with little or no experience in international cooperation to provide them with practical tools and methods of cooperation. The Discussion Group made efforts to avoid (i) duplication with existing recommendations of ICN and OECD (in this regard, the UNCTAD Guidelines are consistent with ICN recommendations and provide links to all ICN relevant materials) and (ii) unnecessary burden younger agencies with new formal procedures or toolkits.

The document is divided in three sections: 1) Guiding principles; 2) Toolkit for Cooperation in Competition Cases, and 3) the role of UNCTAD in facilitating cooperation under Section F of the UN set.

The Guiding Principles outline: the benefits and costs of cooperation, in what circumstances cooperation is beneficial, the importance of mutual trust, the different levels of cooperation that might be appropriate for each case, the importance of safeguarding confidential information.

The second section of the Toolkit illustrates the importance of certain instruments such as the exchange of non-confidential information, or the use of confidentiality waiver provided by parties.

The third section highlights the possible areas for the UNCTAD Secretariat in assisting authorities, especially from developing countries and countries with economies in transition. For instance, by promoting mutual trust among authorities, developing confidentiality provisions, providing publicly available legal texts and guidelines that are relevant to cooperation, maintaining a list of contact persons who may facilitate international cooperation at each Member State's authority.

The document is now for consideration before the Eighth United Nations Conference in 2020 (the UN Conference is held every 5 years to review the UN Set on competition policy). While the Discussion group has accomplished its mission, the ICN-UNCTAD liaison person highlighted the importance of dissemination and promotion of the Guidelines and opportunities to develop common ICN – UNCTAD initiatives in this area might be explored in the future.

The approved document is available in English but there are courtesy translations in some languages (e.g. Spanish and French), informally used in the final discussions. However, in preparation for the 8th UN Conference, the official version of the document will be released in all UN languages. The main topics of the 8th UN conference are: Competitive neutrality, Digital economy, and Cross border cartels

#### Item 8: OECD

The ICN/OECD Liaison and the Italian competition agency reported on joint work on international cooperation with the OECD Competition Committee. A survey circulated by the ICN Secretariat will determine current practices on international co-operation between agencies in enforcement cases/investigations, identify examples of effective international co-operation and areas for improvement, and support the monitoring of the implementation of the 2014 OECD Recommendation concerning International Co-operation on Competition Investigations and Proceedings. The results of the survey will be made available to both the OECD and ICN memberships in a joint ICN/OECD Report. The contribution of the ICN will be from a secondee and a small group of interested agencies. The process will include SG members' approval at key milestones during the project. The preliminary results will be presented at the 2020 ICN Annual Conference.

#### Item 9: Other Business

No other business was reported.

#### Item 10: Future SG Meetings

The next SG meeting will be held on 16 October 2019.