ICN Virtual Promotion & Implementation Workshop
Skills Series – Thursdays in September 2021

Practical training by senior investigators for case handlers
Using ICN work product and ITOD video modules

Presented by the Promotion & Implementation Team in Cooperation with the Agency Effectiveness, Merger, and Unilateral Conduct Working Groups and the International Cooperation Project Group

On Demand	**ICN Training on Demand Module VI-1: Planning and Conducting Investigations**
Thursday, 2 September 2:00 – 3:00 pm CET	**Pre-Workshop Webinar**

Presentation of the Hypothetical Case Studies, ICN Work Product, and an Overview of Potential Competition Theories of Harm in Merger and Conduct Cases.

Monday, 6 September 2:00 pm CET (or on demand)	**ICN Training on Demand Watch Party Module VII-4: Investigative Process**
Thursday, 9 September 2:00 – 3:30 pm CET	**Session I: Investigative Planning & Process**

Participants will begin the hypothetical-based exercises by exploring the topic of investigative planning, including drafting a plan. A written investigation plan is an essential tool to prepare during the early phases of an investigation. Working in small groups, participants will discuss the parts of an investigation plan, including: (1) the introduction; (2) a discussion of the key facts that are known and those to be investigated; (3) the identification of the working legal theory or theories of harm; (4) the plan for collecting the facts; and (5) an estimate of the timing and resources needed to complete the investigation.

The session also will address fundamentals of investigative process, the framework for how agencies pursue matters, and ways in which principles like transparency and engagement can be used to make process more effective and fair. Participants will explore agency practices that facilitate effective engagement and interaction between agencies, parties, and third parties.

Thursday, 16 September 2:00 – 3:30 pm CET	Session II: Developing Reliable Evidence – Documents & Data

In this session participants will interact as investigative teams, using the hypothetical case study to identify the pertinent facts, needed information, and sources of evidence to help address a theory of harm. Working in small groups, participants will critique sample specifications from a document request in the investigation, identifying any weaknesses and approaches for formulating specifications designed to elicit useful documents and data. The session will include presentations on best practices for effective document requests and an introduction to electronic discovery.

Monday, 20 September 2:00 pm CET (or on demand)	ICN Training on Demand Watch Party **Module VI-2**: Interviewing Witnesses: Who, What, Where, When, Why & How
Thursday, 23 September 2:00 – 3:30 pm CET	Session III: Developing Reliable Evidence – Interviews/Third Party Calls

This session will provide suggestions on developing and organizing an interview outline, questioning techniques, and interview report writing. In small groups, participants will develop interview outlines and conduct mock interviews of the parties, customers and competitors. Following this exercise, experienced case handlers will role model an interview.

The session will conclude with a presentation on weighing the probative value and relevance of evidence procured and the reliability of the data gathered, depending on both its source and the circumstances under which it was compiled (e.g. prepared in the normal, day-to-day operations of the business). It also will cover putting together the pieces compiled into a cohesive and persuasive investigative narrative.

Monday, 27 September 2:00 pm CET (or on demand)	ITOD Watch Party **Module VI-4**: Introduction to International Cooperation
Thursday, 30 September 2:00 – 3:30 pm CET	Session IV: International Cooperation

This session will introduce cooperation tools and provide examples of situations in which various tools are used most effectively. Discussion topics will include initiating cooperation, addressing confidentiality and privilege, and considering waivers of confidentiality, while highlighting the ICN work products that support cooperation. Speakers will provide examples of effective approaches and identify strategies for overcoming impediments to cooperation.

Working in small groups, participants will develop a plan to engage in cooperation related to the hypothetical case, and incorporate cooperation into their investigation plans. Participants will consider when and how to engage with other competition authorities and discuss which cooperation tools and approaches are best suited to the hypothetical.

Highlighted ICN Work Product
Investigation Plan Template
ITOD Video Training Modules
Module VI-1: Planning & Conducting Investigations
Module IV-1: Handling Merger Investigations
Module VII-4: Investigative Process
Module VI-2: Interviewing Witnesses: Who, What, Where, When, Why & How
Module VI-4: Introduction to International Cooperation
Module III-3: Exclusive Dealing
Merger Work Product
ICN Investigative Techniques Handbook for Merger Review
Revised Chapter 4 Role of Economics & Economic Evidence in Merger Analysis
ICN Recommended Practices for Merger Analysis (RP V. Unilateral Effects and VII. Entry & Expansion)
Unilateral Conduct Work Product
Unilateral Conduct Workbook Chapters on Analytical Framework for Evaluation Unilateral Conduct, Assessing Dominance and Exclusive Dealing
ICN Recommended Practices on the Assessment of Dominance
Cooperation Project Team
ICN Merger Cooperation Guide
ICN Framework for Cooperation
Model Waiver of Confidentiality
ICN/OECD joint Report
For links to additional cooperation work, click here
Agency Effectiveness Work Product
ICN Recommended Practices for Investigative Process
ICN Guiding Principles for Procedural Fairness in Competition Agency Enforcement
Annotated ICN Guidance on Investigative Process
Competition Agency Confidentiality Practices Report
ICN Framework for Competition Agency Procedures
CAP Framework & Principles
ICN Work Product Catalogue