



## U.S. DEPARTMENT OF JUSTICE

Antitrust Division

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Acting Assistant Attorney General

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Dear ICN Members and NGAs,

I write to congratulate the ICN on the significant milestone of its 20<sup>th</sup> anniversary. Two decades ago, a small, but prescient, group of competition agencies, including the Antitrust Division, created a bold vision for the international competition community. Today, the ICN has grown into an established organization that fosters collaboration and convergence amongst its over 130 members, and it continues to adapt to the needs of its growing membership and the many challenges faced by competition agencies around the globe. Such resiliency signals a bright future for the ICN and promises continued success in its third decade and beyond.

Though its successes are many, I would like to highlight a couple of the ICN's recent achievements that demonstrate its impact. In 2020, the ICN released "Guidance on Enhancing Cross-Border Leniency Cooperation," a year-long effort undertaken by the ICN's Cartel Working Group. The Guidance is designed to assist competition agencies in engaging and cooperating with their international counterparts when dealing with leniency applicants and other cooperating companies in cross-border investigations. The Antitrust Division was proud to work with a team of competition agencies to develop the Guidance. Remarkably, just over 20 years before this Guidance was released, the Antitrust Division hosted the very first international meeting of cartel investigators and prosecutors. This event formed the foundation of the annual ICN Cartel Workshop, which today provides a valuable forum for competition agencies to exchange ideas. Such collaboration has undoubtedly enabled consensus on key cartel policies and enforcement strategies over the last two decades, including leniency programs.

In addition to cartel enforcement, the ICN has also remained at the forefront of strengthening procedural fairness in competition enforcement. The 2019 Framework on Competition Agency Procedures (CAP) is a significant example of the ICN's efforts, and it marks an impressive achievement for the competition community. The CAP is a landmark multilateral commitment to a set of fundamental procedural fairness principles, as well as to cooperation and review mechanisms. The CAP is the ICN's third opt-in framework for competition agencies, following earlier frameworks on merger and cartel enforcement

cooperation. Over 70 ICN and non-ICN participants have signed on to the CAP. As one of the current co-chairs of this initiative, the Antitrust Division remains committed to the CAP's implementation and expansion in the coming years.

Perhaps one of the most impressive achievements in the ICN's 20-year history is its adaptive response to the COVID-19 pandemic. As much of the world began closing down in March 2020, ICN Steering Group members immediately began discussing how to best support its members. The ICN ultimately played an important role in facilitating the sharing of information and experiences between competition agencies at the outset and throughout the pandemic. The Steering Group also released a critical statement reaffirming the relevance of competition to economies in crisis and provided guidance on ensuring accessibility of essential goods and services.

When it became clear that an in-person annual conference was not possible in 2020 due to pandemic conditions, the ICN also pivoted to a virtual conference. Co-hosted for the first time by the Antitrust Division and the Federal Trade Commission, ICN 2020 examined a range of competition enforcement and policy issues, including those involving the digital economy. In the end, despite many challenges, ICN 2020 was a huge success with over 2500 delegates participating, including agency leadership and staff, competition experts from international organizations, and legal, business and academic communities. ICN 2020 will serve as an enduring template for future ICN conferences and workshops.

As the ICN enters its third decade, the global competition landscape demands a heightened and focused response to increasingly digital and multi-jurisdictional competition challenges. Reflecting on the past twenty years, the ICN is primed to effectively respond and thrive under these demands even as it continues to grow. It has been an honor for the Antitrust Division to participate in the ICN's many initiatives over the last 20 years and we look forward to continuing on this impressive journey.

Sincerely,

A handwritten signature in black ink, reading "Richard A. Powers". The signature is written in a cursive, flowing style.

Richard A. Powers