

2012



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ICN Steering Group Chair: 2012

As most members of the ICN may recall, the network was born following the initiative to include competition matters in the WTO. More specifically, the initiative in the WTO was to incorporate competition elements in trade negotiations and eventually include them in the international trade rules, causing concerns in many competition authorities around the world since competition policy and enforcement was going to be directed in international trade negotiations. In 1996, Trade and Competition Policy was introduced as a WTO Working Group and it was in 2001 that Trade and Competition was included in the multilateral negotiation agenda of the Doha Round. It was precisely that year that 15 competition authorities decided to form the International Competition Network. Since the origin of the ICN, major achievements have been obtained by the participation of many persons representing their antitrust authorities. However, the WTO and the international negotiations have experienced an impasse in multilateral negotiations. I had the opportunity to be part of the WTO during the inclusion of Trade and Competition in Doha and the elimination of Trade and Competition in the multilateral trade agenda in the July 2004 package adopted by the General Council of the WTO.

I was president of the network in 2012. During my presidency, I focused the network's efforts in three main areas: i) member engagement; ii) members' assistance in efforts to implement ICN best practices; and iii) the ICN and its members to play a more visible role in economic policy debate. Firstly, we were especially concerned in engaging economist in the network for them to share experiences and learn from each other, therefore under my presidency we started an economist group that meet regularly. Also on this matter, we started the "Town hall" sessions on a variety of topics to keep members and NGAs up to date about ICN activities. Secondly, there was a significant uptick under my leadership in terms of the recommended



practices (RP) the ICN developed. This includes an RP on efficiencies in merger review, RPs on predatory pricing developed, and RPs on competition assessment (the last two formally adopted in 2014). Furthermore, we set a framework for the ICN to support members in effecting change; for example, we sent letters of support for COMESA and Peru. Thirdly and lastly, we made efforts for the ICN and its members to play a more visible role in economic policy debates for the network to be well placed to draw policymakers' attention to the importance of sound competition policy, and of the competitive implications of policy choices. Together with the Advocacy Working Group, we developed messages on the benefits of competition policy, a tool for competition authorities in raising awareness of the benefits of competition by way of a practical guidance document; and we delivered messages on the importance of competition policy aimed at legislators, governments, and economic policymakers more generally, messages on topics such as the importance of attention to microeconomic considerations in formulating economic policy and development policy, the role of government in markets, and sector-specific messages. I would like to express my gratitude for Maria Coppola of the USA FTC who helped me during my chairmanship in the ICN to a great extent.

There are relevant achievements the ICN has accomplished in these twenty years since its creation, to name a few: the inclusion of a major number of antitrust authorities as part of the network, the development of best international practices and to be an effective forum to discuss methodologies and experiences of the agencies. However, the reality today reveals important challenges. There are two elements that distinguish the new reality that the ICN is facing today and require a serious reflection for the future of the ICN in the following years. First, the growing global political movement in favor of economic nationalism and

populism that has fostered a loss of confidence in market policies and competition as an important instrument to promote an inclusive global growth. These phenomenon calls for a need to have a strong international voice in favor of operative legal frameworks that promote market efficiencies and defend the value of competitive markets through effective competition law enforcement as well as a pro efficiency regulatory settings. Second, the increasing significance of digital platforms as a service' input on a large number of markets has been an important source of market globalization at a speed not seen in a recent history, opening major opportunities for producers and consumers. However, being a sector with crucial economies of scale and network, the few players in the digital sector has generated concerns in different regulators and antitrust authorities. This new situation imposes risks of different enforcement actions in various jurisdictions and regulatory decisions in relatively similar circumstances, creating potential major distortions in global markets. A reflection should be made in the role that ICN should have in the digital economy, either by proposing general regulations or a better homologation of antitrust laws.

The celebration of the twentieth anniversary of the ICN is an appropriate time to reflect on how the ICN should face the challenges that is facing for the next years to come to effectively protect market efficiency. One way is to encourage a general discussion in the ICN to evaluate the pros and cons to convert the ICN in a more formal international organization, learning from the experience of other international organizations and building in the impressive development that the ICN has acquired in these twenty years of experience. An efficient way to do it could be to name a commission with the mandate to make a detailed diagnostic and a proposal to be originally discussed by the ICN Steering Group before is discussed with the general membership.