

2009-2012



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ICN Steering Group Chair:
2009-2012



I have been asked to share my personal experience as former Chair of the ICN Steering Group, focusing in particular on how the Network developed during my chairmanship (2009-2012). I took over as chair at a pivotal point in the ICN's development. The network was formed in the wake of a rapid proliferation of laws and agencies and a few high profile transatlantic divergences, so it was necessarily cautious in its scope. Eight years on, the network had shown its approach worked, and ICN had built up a degree of success and trust that likely surpassed even its most ardent supporters' expectations. The ICN in 2009 was brimming with promise and potential to expand that success more broadly.

Together with the other members of the Steering Group, we set our sights on a more pluralist agenda. Pluralism involved bringing in a broader range of issues and stakeholders, and wider member engagement. The network moved away from its early strong focus on mergers and cartels, tackling head-on the difficult area of single firm conduct and reinvigorating its approach to advocacy. It encouraged a greater role for members' external engagement, developing messaging on the role of competition policy in times of economic crises for a wider set of policymakers. The ICN recognized the value of its own voice, publicly supporting members' efforts to reform their laws and practices toward agreed international best practice. At the same time, we encouraged a wider range of



participation within the ICN by bringing in NGAs from more diverse jurisdictions and heterogeneous professional backgrounds. While recognizing and pursuing the important goal of achieving consensus, particularly in the form of “recommended practices”, we also encouraged a multiplicity of views, an informed divergence of approaches to difficult areas of competition law and policy.

In addition to pluralism, the other focus during my tenure was to engage the network in a self-reflection process to formulate a longer-term vision for the network, the “Second Decade” project. Translating this vision into action led to a greater inclusiveness of people, such as structural changes to require rotation of working group and project leadership positions, which doubled the number of ICN members in leadership positions, and enhanced participation more broadly. One indicator of that participation is the popularity of the ICN annual conference, oversubscribed for many of the past years, and workshops and webinars that regularly have over 100 participants. The Second Decade project also led to greater inclusiveness of topics, going beyond fundamentals of competition law, witnessed today in projects on vertical restraints in digital markets, destructive innovation, and guidance on platforms. The broadening of topics is also evident in the ambitious cross cutting projects, notably on cooperation and procedural fairness, both producing major work, and the newest project on the intersection of competition,

consumer, and privacy. Finally, the Second Decade project set the stage for continued self-reflection, an exercise underway in the Third Decade self-assessment project.

Looking forward, to maintain the ICN’s continued arc of success, I have three suggestions. First, the network needs to be more externally focused and resist the gravitational pull to the center where only the pure experts engage. ICN should play in the middle of the field where specialists find agreement and engage at the perimeter with non-experts as well as more radical views on the left and right. Second, to ensure continued evolution of diverse participation, the network can consider applying its very successful rotation policies introduced for working group chairs to Steering Group membership and chair and vice chair roles, and to dedicate a more prominent role for NGAs within or alongside the Steering Group. Finally, to fully realize the network as a global voice for competition principles, ICN should address the difficult area of competition policy within and against broader policy, articulating the role of competition policy and adjacent policies in order to provide guidance for a coherent approach.