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President Bundeskartellamt

22 September 2023

Note from the Chair for the Steering Group Meeting on 27 September 2023

Dear colleagues,

Our meeting on 27 September will be the last meeting before the ICN Annual Conference in Barcelona. I am very much looking forward to welcoming Francisco Melo, Deputy Superintendent for Competition Protection, to his first SG meeting. Since its successful 2019 Annual Conference in Cartagena, SIC Colombia has been very active in the ICN. I have invited Mr Melo to share with us his vision for SIC.

The meeting agenda will be a bit technical as there are several important points we need to take decisions on before the conference. Given that we already met in September, we have not added a hot topic in order to keep the meeting short. We will continue this format after the conference.

ICN Annual Conference

The ICN Annual Conference will take place in Barcelona from 18 to 20 October, with a welcome reception on 17 October. Our host, Cani Fernández, President of the CNMC, will provide us with a final update. As usual, several pre- and side events will take place; these are not ICN events; however, to keep you informed, Competition Policy International (CPI) will hold Competition Law and Economics Roundtables on 16 October, and the ICC/IBA Annual Pre-ICN Conference “The Antitrust Trifecta: Enforcers, the Courts and the Private Sector” will take place on 17 October. Also on 17 October, the CNMC will host the European Competition Day, given that Spain holds the Presidency of the Council of the EU. Finally, on the morning of 19 October, the US FTC and the US DOJ will invite an interactive discussion on their new draft merger guidelines.

ICN Working Group Leadership and SG membership

At our last meeting, we discussed ICN leadership and decided to increase the number of Co-Chair positions within the Working Groups by introducing an additional “acting” co-chair to accommodate the wish expressed by an increasing number of agencies to get even more involved in ICN work. Based on this approach, which is in line with the 3D recommendations, the Secretariat will present the proposed Working Group leadership, which will include several agencies that have been very active and have invested resources and energy into the ICN for many years already as well as agencies new to ICN leadership positions. An overview will be circulated in preparation of the meeting. The Secretariat will also present a proposal for the incoming SG for the term 2023-25, which will include the Hungarian Competition Authority and the Competition Commission of India as elected members.

ICN Membership

The ICN continues to grow. At our meeting, we will hear from the Membership Working Group Co-Chairs, who have received an application from the competition agency of Rwanda.

Work product

We will then turn to work products. The Working Groups have again been very productive and, in addition to organising workshops and webinars, have drafted several documents. The Agency Effectiveness Working Group will present the Agency Effectiveness Post-Covid19 report. The Merger Working Group will present two documents, the Report on Control of Data, Market Power, and Potential Competition, and the Revised ICN Recommended Practice on Entry and Expansion. The Unilateral Conduct Working Group will present a document on the Assessment of Dominance in Digital Markets for SG approval. The Working Groups are in the process of finalising the documents. To ensure that all final comments can be reviewed and considered, some of these documents will be presented as a final draft or circulated at a later stage and approved in a written procedure.

At our last meeting, SG members noted that the number of work products might make it difficult for agencies to follow all work streams. Generally speaking, it should not be the number of work products that counts, but the voices reflected in the ICN’s work, which means that Working Groups are encouraged to focus on specific projects and invite ample participation.

UNCTAD

At our last meeting, I invited SG members to express interest in the position of the ICN/UNCTAD Liaison. Next week, I will provide an update.

ICN Funding

Finally, we will hear from the Secretariat in Canada about ICN funding for Annual Conference participation.

Best wishes,

Andreas Mundt