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President Federal Cartel Office

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Note from the Chair for the Steering Group Meeting on 2 December 2020

Dear Colleagues,

At our next meeting we will focus on four topics: ICN events, the Steering Group Intersection Project, ICN membership, and the joint ICN/OECD project on Co-operation.

We will start with the ICN spring series of events. The last ICN workshop took place in February in Australia. After the merger workshop in Melbourne we could not invite ICN members and NGAs to any in-person events due to the COVID-19 pandemic. At our last meetings we discussed how to deal with this situation and what we could offer to case handlers as well as agency leadership instead. The Co-chairs have developed a promising ICN Calendar of Events. You have received a draft which is still work in progress and subject to changes. We will see a great variety of sessions and events and the new format of compiling and presenting ICN activities might work as a blueprint for future ICN years.

When discussing the ICN year 2020/21 the obvious question is when the year will end. The Operational Framework provides guidance as it places the ICN Annual Conference, which can be considered the annual meeting of members, at the centre of all ICN activities. However, we have again postponed the conference in 2021 due to the pandemic. It seems the key questions are when the ICN should return to its well-established schedule, when should the incoming Steering Group be confirmed, working group leadership rotate, and working group work plans be approved. With regard to the Steering Group the Operational Framework is very clear, it is confirmed in odd-numbered years at the ICN Annual Conference by the consensus of ICN members. With regard to working group leadership and work plans a possible way forward could be a fluent transition. It might make sense to lay the foundation even before the (northern hemisphere) summer break. Whether we need to formally implement the rotation and approve the final work plans or whether we can leave that for Budapest might not be the most important factor as long as all issues are resolved and everybody knows which projects

are in the pipeline and who will be responsible. The final piece of this puzzle is the question how we can plan for the 2022 Annual Conference.

The working groups are very active and the same is true for the Steering Group projects. Next week we will hear a status report on the project on competition law enforcement at the intersection between competition, consumer protection and privacy.

The Membership Working Group will present the Eurasian Economic Commission's application for membership. The ICN is a very inclusive organization. The criteria for membership are defined in the Operational Framework, and the clear message to all national and multinational competition enforcers is that they are welcome to join the network. At the same time, the assessment can become more complicated if applications deviate from the standard scenario, e.g. where agencies are competent only for specific business sectors, or only for specific areas of competition law enforcement. The competencies of the EEC are not limited to a specific area of competition law, but it should be noted that the EEC is not active in the area of merger control which, however, also applies to other ICN member agencies.

Finally, I will ask for approval of the joint ICN/OECD report on Co-operation. The whole team has done a great job and will present an impressive piece of work. For us it will be to discuss how to make the most out of the report.

I look forward to speaking with you next Wednesday.

With best regards,

Andreas Mundt