



**ICN Steering Group Meeting
Wednesday, October 28th, 2015, (Paris)**

Attendees

Australian Competition and Consumer Commission
Brazilian Administrative Council for Economic Defense
Competition Bureau Canada
European Commission DG Competition
French Autorité de la concurrence
German Bundeskartellamt
Japan Fair Trade Commission
Italian Autorità Garante della Concorrenza e del Mercato
Korean Fair Trade Commission
Mexican Federal Economic Competition Commission
Netherlands Authority for Consumers and Markets
Norwegian Competition Authority
Portuguese Competition Authority
Russian Federal Antimonopoly Service
Spanish National Authority for Competition and Markets
Competition Commission of Singapore
Competition Commission of South Africa
United Kingdom Competition and Markets Authority
United States Department of Justice
United States Federal Trade Commission

Item 1: Approval of Agenda and Minutes

The Chair, Andreas Mundt, welcomed the Steering Group (SG) members.

The Steering Group approved the proposed agenda and the minutes of the September 16, 2015 SG meeting.

The Competition Commission of South Africa started with its update on the African Competition Forum (ACF) which took place the same day on the margins of the OECD meetings (initially scheduled as agenda item 9, Other Business).

Item 2: Steering Group

The Chair informed the SG that his message to members, "ICN Next Steps" had been circulated on 13 October 2015 and provided an update on the Second Decade Surveys addressing ICN members and NGAs. So far 53 agencies had responded including most of the SG members. The overall representation in terms of dimension is good as 1/3 of the responses were made by small agencies, 1/3 by medium ones and 1/3 by large agencies.

Most agencies participate in WG calls and listen to teleseminars; the lack of resources confirms to be the greatest barrier to more participation in the ICN. A second questionnaire was sent out to more than 440 NGAs. The first replies have already been received.

Item 3: Mandate of the Working Groups

After having agreed in September that the topics vertical and non-hardcore horizontal restraints as well as competition issues raised by joint ventures should be included in the ICN's work, the SG now discussed where to best place these topics. There was agreement that not all of the mentioned topics correspond to the existing working groups. This led to the conclusion that the option of creating a new working group while keeping the balance regarding the overall workload by merging two existing working groups should be further examined.

Item 4: Operational Framework Working Group

The Operational Framework Working Group (OFWG) reported on the two topics, (i) financing of ICN events and (ii) ex-officio membership of the Steering Group.

(i) Financing of ICN events

The OFWG reviewed preceding ICN Annual Conferences and concluded that the financial burden on the host has grown steadily, financing is mainly derived from public sources and that the SG should be informed of funding initiatives as early as possible and react as soon as possible. The option of charging fees has not yet been conclusively discussed within the OFWG. The Chair reminded the OFWG that the ICN already operates a funding system which however does not aim at funding Annual Conferences but at supporting members in order to give them the opportunity to attend ICN events. In this context, the Chair raised the question of whether the ICN in supporting members should fully or only partially fund agencies in order to avoid no shows and to free up resources for other purposes. The Chair invited the OFWG to prepare a note describing different options including hypothetical calculations as a basis for further discussions.

(ii) Ex-officio membership of the Steering Group

The SG agreed with the proposed view that ex-officio members should have the same rights and duties as elected SG members and can apply for SG membership during their ex-officio membership term. A clarification under the ICN Operational Framework was not considered necessary. As the OFWG did not reach consensus on whether the different terms of ex-officio members (three years) and elected members (two years) constitute a problem the SG did not see a need to consider further changes.

Item 5: Membership Working Group

After the Membership Working Group reported on the requests from the Costa Rican and Mexican regulators, the SG discussed the general requirements for membership based on

the ICN Operational Framework and in light of the spirit of the network. The SG concluded that according to the spirit of the Operational Framework and in view of the unique structure of the ICN as the international network of competition enforcers only those bodies that are regarded in their jurisdiction as “the main competition authority/ies” should be eligible for ICN membership. The SG members’ viewpoints were that regulators, particularly if they have certain competition law enforcement components, most likely communicate with the competition agencies in the respective jurisdiction who usually participate in ICN work. As the input of regulators in working groups of interest to them is considered very valuable, the Chair points out that the ICN Operational Framework offers the possibility of inviting participants to contribute to the ICN’s work. The Chair requested the Membership Working Group to prepare a brief clarifying note.

Item 6: Media at ICN Workshops

The SG agreed that ICN Workshops should provide a platform for the exchange of experience and discussion among enforcement experts. They should promote lively debate and audience participation. The presence of media could have adverse effects on these goals. The SG provides guidance by building on experience gained and solutions successfully applied at previous events: media may – at the discretion of the host – be welcome at the Opening Ceremony, but should not join plenary and break-out sessions. The SG considers the related topic of media at ICN Annual Conferences worth discussing in a future SG call or meeting.

Item 7: 2016 Annual Conference

The Competition Commission of Singapore provided an update on the planning of the 2016 ICN Annual Conference which will take place 27 - 29 April 2016 in the Marina Bay Conference Center, Singapore.

Item 8: OECD Liaison

Mr. John Pecman in his capacity as ICN-OECD Liaison gave an update on the activities of the OECD and informed the SG about the meeting of the ICN Chair with Prof. Jenny and John Davies (both OECD) the previous day.

Item 9: Other issues

Mr. Kjell J. Sunnevåg, Norwegian Competition Authority, informed the SG that the African Competition Forum in cooperation with the ICN Agency Effectiveness Working Group intends to organize a regional workshop in Botswana, presumably 10-11 March 2016. The SG fully supports the workshop.

Item 10: Future SG meetings

The next SG call will be held on December 16, 2015.