



**ICN Steering Group Meeting
Wednesday, December 16, 2015, 14:00 (CET)**

Attendees

Australian Competition and Consumer Commission
Barbados Fair Trading 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
Portuguese Competition Authority
Russian Federal Antimonopoly Service
Competition Commission of Singapore
Competition Commission of South Africa
Turkish Competition Authority
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 SG approved the proposed agenda and the minutes of the SG meeting in Paris on 28 October 2015.

Item 2: ICN in its Second Decade

The Chair provided an update on the Second Decade surveys. The Chair emphasized that the member survey and the NGA survey are key elements of the current exercise conducted by the SG to position the ICN for the second half of this decade.

With regard to the NGA survey, the Chair stated that the number of responses is not yet satisfying. It has been circulated to around 450 NGAs worldwide and so far only 10 NGAs have responded. The Chair suggested that all SG members circulate the questionnaire to the relevant NGAs in their jurisdiction. Furthermore, the Chair asked the SG members to support the Secretariat in updating its NGA list.

The Chair presented preliminary results of the member survey in accordance with the draft report circulated prior to the SG meeting. 63 members have responded to the members' survey. All geographical areas are represented. Members listed several new topics they would like the ICN to address including updates of existing work products. The responses illustrate that the topics currently discussed in the SG are hot topics for a number of members, particularly two-sided and multi-sided markets, vertical restraints, IP rights, minority shareholdings, joint ventures and non-cartel horizontal restraints. Overall, the suggested topics show that the practical and hands-on approach of the ICN meets the desires of many members. ICN members also provided ideas on how to improve cooperation, implementation, and inclusiveness. The ICN website is considered to be a focal point of the network which should be user friendly and updated frequently. Some members suggested that new ICN products should be made public within the agencies as well as to circulate a newsletter. Newer members pleaded for more support. Some authorities suggested more initiatives at the regional level. Bruno Lasserre, Vice Chair for enhanced member and NGA engagement and outreach, supported the regional approach. The Chair pointed out that in 2016 the cooperation between the ICN and existing regional organisations will be one of his priorities. The Chair referred to the workshop of the African Competition Forum which was held in Paris in October 2015, in which he actively participated and again expressed the SG's support for the AEWG workshop in Botswana to be held in March 2016.

The Chair then provided a brief update on the future working group structure. The question of where to best place issues such as vertical and non-hardcore horizontal restraints and joint ventures had been discussed at the SG meeting in Paris in October 2015 and at a fruitful and important Co-Chairs call in December. The Chair pointed out that the results of the Second Decade Survey and the topics proposed by members will certainly be included in the planning of the future structure, broadening the exercise of accommodating new topics. The discussion is ongoing as some SG members are hesitant to include the topics in existing Working Groups whereas other SG members are hesitant, at least at this stage, to open up a new Working Group.

The Chair announced the first call of the SG's Town Hall teleconference series. The series deals with issues related to the interaction of competition policy and other government policies. It will be held on 3 February 2016 and will begin at 2:30pm Bonn time. Alejandra Palacios Prieto, President of the Mexican Federal Economic Competition Commission, Hardin Ratshisuus, Deputy Commissioner and Head of Mergers Division of the South African Competition Commission and Alex Chisholm, Chief Executive of the UK CMA will discuss "Public interest considerations in merger cases".

The US FTC announced an ICN Roundtable on the future of the ICN in its second decade, which will take place on Tuesday, April 5, 2016, in Washington, DC. The Roundtable will be co-hosted by the US FTC and the US DOJ.

Item 3: Workshops and work products

The Co-chairs of the Merger Working Group (MWG), the Cartel Working Group (CWG) and the Unilateral Conduct Working Group (UCWG) each provided a debrief of their respective Workshops and the status of their other projects.

The MWG Co-chairs reported on the 11th Merger Workshop held in Brussels, Belgium from 24 – 25 September 2015. The Merger Workshop also marked the 25th anniversary of the EU Merger Regulation. Approximately 250 participants from 60 jurisdictions attended the Merger Workshop. A special feature of this Workshop was that simultaneous translation of the plenary sessions was provided in English, French and Spanish. Furthermore, the event was organized without PowerPoint presentations. Specific attention was given to interaction with younger agencies.

On the work programme, the MWG Co-chairs presented the state of play regarding the Remedies Project where illustrative case studies are currently being collected for a draft report which will be discussed during a teleseminar in mid-February. Regarding the Outreach project, the MWG Co-Chairs highlighted the breakout session held at the Brussels workshop on the challenges met by younger and smaller agencies in the course of merger review. In the Dissemination and Implementation Project, an implementation exercise on the Recommended Practices will be launched during a teleseminar on 26 January 2016. A breakout session at the 2016 Annual Conference will be devoted to the potential updating of the Recommended Practices based on a self-assessment exercise conducted with the MWG's self-assessment tool. Finally, the MWG Co-chairs reported on the Practical Guide to International Enforcement Cooperation in Mergers which is now in the road-testing/implementation phase.

The CWG Co-Chairs reported on the 2015 ICN Cartel Workshop which was hosted by the Colombian Superintendence of Industry and Commerce (SIC). It was held in Cartagena, Colombia from 19 – 21 October 2015. Approximately 128 participants from 36 jurisdictions attended the Cartel Workshop. Discussions at this event focused on strategies to enhance cooperation and convergence in sanctioning international cartels. This Workshop was combined with a high-profile national conference, which immediately followed the ICN event. At this national conference there were 1,300 attendees, including the President of Colombia.

Subgroup 1 reported on the compilation of an Investigative Powers Catalogue; the webinar series on "Impact of Private Enforcement on Public Anti-Cartel Enforcement" and the webinar series on "Increasing Cartel Deterrence through Compliance". The first call is scheduled on January 27 and the topic is "Promoting compliance programs in cartel deterrence". The second call "Considering compliance programs in calculating fines" will take place on 23 March 2016. Subgroup 2 reported on the ongoing work on a framework for information exchange of non-confidential information during cartel investigations.

The UCWG Co-Chairs reported on the 2015 ICN Unilateral Conduct Workshop hosted by the Turkish Competition which was held in Istanbul, Turkey from 11 – 13 November. 89 participants from 40 jurisdictions attended this ICN event. The Workshop was organized around a hypothetical case about "Refusal to Deal".

The UCWG Co-Chairs reported on its major work product, a chapter for the Working Group's workbook on the analytic framework for assessing unilateral conduct. The drafting of the chapter is a two year project with the first year focused on discussion and the second year dedicated to drafting the chapter

Item 4: 2016 Annual Conference

The Competition Commission of Singapore provided an update on the 2016 Annual Conference.

Item 5: Other business

The Portuguese Competition Authority which will host the Annual conference 2017, updated the SG on the tentative conference dates, which will either be held from 10 – 12 May in Oporto or 17 – 19 May in Lisbon.

Item 7: Future SG meetings

The next SG meeting will be held on January 13, 2016.