



**ICN Steering Group Meeting**  
**Wednesday, 2 December 2020, 2:30pm CEST**

**Attendees**

Australian Competition and Consumer Commission  
Brazilian Administrative Council for Economic Defense  
Competition Bureau Canada  
Colombian Superintendencia de Industria y Comercio  
European Commission DG Competition  
French Autorité de la concurrence  
German Bundeskartellamt  
Hungarian Gazdasági Versenyhivatal  
Italian Autorità Garante della Concorrenza e del Mercato  
Japan Fair Trade Commission  
Korean Fair Trade Commission  
Mexican Federal Economic Competition Commission  
Portuguese Competition Authority  
Federal Antimonopoly Service of the Russian Federation  
Competition and Consumer 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 welcomed the Steering Group (SG) members. The SG approved the proposed agenda and the minutes of the SG meeting on 28 October 2020.

**Item 2: ICN events 2021**

SG members discussed (1) ICN spring events listed in the ICN Calendar of Events, (2) SG and Co-Chair rotation and work plans, (3) the return to the well-established ICN schedule and the Annual Conference around May, and (4) potential host agencies for the 2022 Annual Conference.

(1) ICN spring events: Due to the COVID-19 pandemic no in-person meetings can be organized by the working groups. Therefore, the Co-chairs have established an ICN calendar of virtual events including a Merger workshop in April organized by the Merger Working Group in cooperation with the Promotion & Implementation team co-chaired by the US FTC, Portuguese

AdC and COFECE. SG members noted that the Calendar of Events may serve as a blueprint for future ICN years as it facilitates the promotion of ICN events.

(2) Confirmation of the incoming Steering Group, working group leadership rotation, and approval of working group work plans.

The Operational Framework states that the incoming SG is confirmed in odd-numbered years at the ICN Annual Conference. The SG members agreed to confirm the incoming SG at the 2021 ICN Annual Conference in Budapest in October 2021.

With regard to the working group leadership and work plans, the SG members agreed to follow a more flexible approach and a fluent transition. Draft work plans and rotation will be prepared before the 2021 northern hemisphere summer break, formal Co-chair rotation and final approval of work plans will take place at the 2021 Annual Conference.

(3) ICN schedule and ICN Annual Conference in April/May.

Due to the COVID-19 pandemic, the 2021 Annual Conference will take place in October 2021. The SG members decided to return to the usual ICN schedule in 2022, i.e. the 2022 ICN Annual Conference will take place in April or May 2022.

(4) 2022 Annual Conference

The SG members continued the discussion on potential hosts for the 2022 Annual Conference.

The 2021 Annual Conference host informed SG members about upcoming organisational issues in January, the status of the draft questionnaire for the Special Project, and the anniversary publication.

### Item 3: Intersection Project

The project team provided an update on the project on competition law enforcement at the intersection between competition, consumer protection and privacy: The team drafted an issues identification paper based on the literature review of 80 articles and nearly a dozen agency responses including agencies from Brazil, Canada, Colombia, DG COMP, Germany, Mexico, Italy, Portugal and Singapore. Furthermore, the team will organize additional webinars.

### Item 4: Membership

The Membership Working Group presented the Eurasian Economic Commission's application for membership: The Eurasian Economic Union (EAEU) was established in 2014 by the Russian Federation, Belarus and Kazakhstan. Armenia and Kyrgyzstan followed in 2015. EAEU's bodies include the Supreme Eurasian Economic Council, Eurasian Intergovernmental Council, Eurasian Economic Commission, and the Court of the Eurasian Economic Union. EEC applied for membership already in 2013. The SG discussed the application in March 2013 and came to the conclusion that the criteria for membership were not yet fulfilled.

EEC deals with cross-border markets only, national competition authorities deal with violations in their territories. The Treaty on the Eurasian Economic Union defines rules of

competition, inter alia on unilateral conduct and horizontal and vertical agreements. It does not cover merger control.

EEC requested UNCTAD to undertake an assessment of their competition regulations. UNCTAD published its assessment in 2020. In order to give all SG members the possibility to review UNCTAD's assessment as an additional source of information, the SG members postponed the decision.

#### Item 5: OECD

The OECD Liaison presented the final joint ICN/OECD report on co-operation for SG approval.

The report outlines four key categories of future work:

Area of focus 1: further develop enforcement co-operation work-products and networks

- 1.1. OECD and ICN to discuss possible plans for improving communication and co-ordination between the organisations
- 1.2 Holistic review of existing work-products, identify potential new work-products, considering work-products across the enforcement areas and Working Groups.
- 1.3 Series of case studies. Maybe incorporated in ICN Training on Demand
- 1.4 Promote existing work. Training of case-handlers via ICN workshops
- 1.5. Better data recording of enforcement co-operation by member authorities.

Area of focus 2: policy and practical support for further developing effective regional enforcement co-operation networks.

Area of focus 3: improve transparency and trust: Develop best practices and frameworks. Maybe a simple template.

Area of focus 4: remove substantive and legal barriers to co-operation. Develop best practices. OECD is likely to be best placed, with the support of the OECD Legal Division, to lead this work.

The drafting group recommended to the SG members to establish a special project group to consider and co-ordinate issues relating to international enforcement co-operation.

This group would:

- Include the joint report drafting team (ACCC, Portugal AdC, AGCM Italy, US FTC)
- Consider matters and make proposals for the approval of the SG
- Consult within the ICN on these matters
- Provide advice as to the best mechanisms to continue this inter-Organisational/intra-organisational work.

The SG members approved the report and the establishment of the new group. The ICN/OECD Liaison will announce this mechanism at the OECD WP3 discussion on the Joint Report in December.

#### Item 6: Other Business

No other business was reported.

Item 7: Future SG Meetings

The next SG meetings will take place on 27 January, 17 March, 5 May, 2 June and 7 July 2021.