



ICN Steering Group Meeting
Wednesday, 17 March 2021, 2:00pm CET

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
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 welcomed the Steering Group (SG) members. The SG approved the proposed agenda and the minutes of the SG meeting on 27 January 2021.

Item 2: ICN Annual Conference

The SG members discussed the format of the 2021 ICN Annual Conference which will take place from 13-15 October 2021. The SG members noted that the conference had been postponed from April 2021 to October 2021 in the hope that it would be possible to organize a traditional annual conference. Unfortunately, there is still a high level of uncertainty due to the pandemic in most of the world. Due to commitments which have to be made in time by the conference host, it is important to take a decision in the near future and to adapt the planning accordingly as different formats – in-person, hybrid, virtual – have a massive impact on the organization. The GVH conducted a survey and asked Co-chairs and SG members

whether they expected that they would come to Budapest. The survey results illustrated the uncertainty.

The SG members emphasized that inclusiveness is a very important value in the ICN and that any form of a regional ICN Annual Conference due to travel restrictions should be avoided. The SG members discussed different options and concluded that it is more than unlikely that a traditional conference with 500-600 participants from different regions of the world will be possible in October. A smaller hybrid conference would still involve many uncertainties and would raise severe issues with regard to inclusiveness. The first virtual Annual Conference, which was held in 2020, worked very well and was a great success. In addition, a virtual conference would be very inclusive, and the working groups could start with the preparation immediately. President Rigó, GVH, informed the SG members that he would make a decision based on the SG discussion in due course.

The Chair informed the SG members that the planning of the 2022 Annual Conference is making good progress, and the tentative dates are 3-6 May 2022. It will be organized back-to-back with the BKartA's Berlin Conference, and it will be limited to a maximum of 350 participants. The event will take place at the Steigenberger Hotel (am Hauptbahnhof), opposite Berlin's central station and Federal Chancellery.

Item 3: ICN workshops

The Merger Working Group reported that it will organize a virtual workshop on 30 March 2021 in the form of a Heads of agency webinar on Remedies in Mergers. The webinar will be moderated by Jackie Holland (Slaughter and May), speakers: Rebecca Kelly Slaughter, Acting Chair – US FTC, Andrea Coscelli, CEO – UK CMA, Alexandre Barreto de Souza, President - Brazilian CADE, Cani Fernández, President – Spanish CNMC, Tembinkosi Bonakele, South African Competition Commission.

The Cartel Working Group continues to consider a hybrid event to be held in November 2021. The Advocacy Working Group is planning an in-person event in Barcelona in February 2022.

Item 4: Unilateral Conduct Working Group

The Unilateral Conduct Working Group updated the SG members on the dominance in the digital era project. The Co-chairs are constituting a drafting group for guidance on dominance in the digital markets and have already reached out to colleagues who expressed their interest in participating. The Co-chairs aim to finalize the guidance for presentation at the next ICN Annual Conference in October 2021.

Item 5: 3D

The Third Decade team and the Operational Framework Working Group Co-chairs reported that they have successfully kicked off a series of group calls to discuss the different sections of the survey and the Operational Framework text.

Item 6: Intersection Project

The Steering Group project group on Competition law enforcement at the intersection of competition, consumer protection, and privacy informed the SG members about a webinar which will take place on 14 April 2021. It will be moderated by Henri Piffaut, Vice-Président, Autorité de la Concurrence. Speakers will include Brent Homan, Deputy Commissioner, Compliance, Office of the Privacy Commissioner of Canada, Dr Katherine Kemp, Senior Lecturer, University of New South Wales Sydney, Marcela Mattiuzzo, Partner, Vinicius Marques de Carvalho Advogados, Timothy Muris, Foundation Professor, Antonin Scalia School of Law, George Mason University.

Item 7: ICN Calendar

The ICN/OECD Liaison informed the SG about discussions with the OECD on whether a joint calendar could be helpful for ICN and OECD members. The ICN calendar on the ICN website is an important tool for all members. The SG members decided that the OECD could add the main ICN events such as the Annual Conference and workshops to the OECD calendar and vice versa. SG members also welcomed a cooperation with UNCTAD.

Item 9: Other Business

Special Project Group on Cooperation

The Special Project Group on Cooperation provided an update. The group was created by the SG to keep up the momentum built around the ICN/OECD Joint Report (Report) on international enforcement cooperation published in February 2021.

The Report contained some proposals for future work for both organizations, and this special group is discussing how to implement them and advance work on enforcement cooperation within the ICN also in a manner that is consistently coordinated with the OECD in order to exploit complementarities and synergies.

The aim of the special group is to develop recommendations for the SG for future ICN cooperation work – additional practical-oriented cooperation work products and longer-term cooperation initiatives for development - and to identify possibly existing ICN work products for updating.

The group has met twice. It has begun to increase the prominence of new and existing ICN cooperation-related work products on the ICN's website. Separately, the group focuses on developing recommendations for the SG in two main areas:

First, ICN cooperation work – additional practical-oriented cooperation work products and longer-term cooperation initiatives for development, as well as the identification of possibly existing ICN work products for updating. This is informed, in large part, by proposals in the OECD/ICN Joint Report and initial survey responses on the ICN's cooperation work from the Third Decade project.

Second, improved mechanisms for: (i) coordination and oversight of the ICN's cooperation work, within the ICN's structure, and (ii) engagement with other international groups doing work in this area, such as the OECD and UNCTAD. With regard to the second topic, the group is already in contact with the OECD.

ICN Specified Purposed Account

The ICN Secretariat provided an update on the ICN Specified Purpose Account based on an overview circulated in preparation of the meeting.

Item 10: Future SG Meetings

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