



ICN Annual Conference, New Delhi, 2018 21-23 March 2018

Day 1

ICN's Annual Conference commenced this morning in New Delhi, India. Over 500 people from the competition community worldwide have gathered in Delhi to present the year's work product and discuss further cooperation. Non-governmental advisors, and other interested international organisations join in the various plenary panels and break-out sessions on competition law and policy. 73 countries and 84 jurisdictions are represented at the conference. Every year the host of the ICN Annual Conference has a significant impact on the atmosphere of the conference. This year's conference is hosted by the Competition Commission of India (CCI), and ICN members have been treated to an excellently organised event.

The opening speeches were given by the Honourable Minister for Law, Justice and Corporate Affairs, P.P. Chaudhary, CCI Chairman Devender Kumar Sikri and ICN Chairman Andreas Mundt. All three speakers emphasised the role of competition in the modern day economy, placing an emphasis on competition in the digital world. Fairness and effectiveness and the balance between due process and swift and effective enforcement are clear themes at this year's ICN.

Plenary sessions at the first day of the conference today, dealt with the CCI's own special project, focused on the problems caused by cartels, as well as a plenary on "Advocacy in Good and Bad Times", and a plenary on agency effectiveness. This final plenary in the afternoon was entitled "Perspectives from the Bench: Litigating Competition Cases", with four judges as well as former judges/commissioners emanating from four different continents.

Also on this first day of ICN's annual conference, prizes were awarded to the winners of the ICN Advocacy Working Group and World Bank Awards. Winners included members from the following jurisdictions, namely: Brazil, Chile, Kenya, Malawi, Russia and United Kingdom. A main event today was the presentation of ICN's work products of 2017-2018. Vice-chairman Chris Fonteijn presented the ICN's new website. This year ICN addressed topics such as investigative process, vertical mergers, enforcement cooperation, innovation, advocacy strategy, market studies, vertical restraints, ex officio investigations, the role of economics, and leniency. You will find all work products on the conference website under "conference materials". See <http://ICN2018delhi.in>

Day 2

ICN's Annual Conference second day in New Delhi, India, had plenary panel discussions on Vertical Mergers and Vertical Restraints – vertical issues being a main theme of ICN's conference this year. Vertical mergers and vertical restraints are difficult topics in competition law. Competition experts world-wide agree that horizontal mergers may restrict competition. They also agree on the harmful effects of horizontal restraints. However, competition experts world-wide have different opinions on the degree to which, and the circumstances in which, vertical mergers and vertical restraints may be harmful to competition and consumers. For example, traditionally, the U.S. courts have been less convinced of the harm in such cases, than the European courts.

Due to digitalisation and globalisation, competition agencies increasingly have to deal with different types of markets and changing business models. The vertical restraints in use today go deeper and change faster. Their use is more widespread and more intense. For this reason, while it might have been unthinkable 10 years ago to devote 2 plenary panels to vertical issues, it is not surprising that these topics of vertical mergers and vertical restraints are firmly on the ICN agenda today.

These topics are notoriously complicated, but as one NGA stated today “You do not have to be a PhD economist to deal with vertical mergers!” While agencies may have different opinions on where the burden of proof should lie in cases concerning vertical restraints, they all agreed that an evidence-based, fact-specific approach is essential when dealing with complicated vertical business practices. There is also agreement among all speakers on the need to conduct market studies to understand digital markets better.

In this regard, since the last annual conference, ICN's Merger Working Group has updated and expanded its Recommended Practices. The Unilateral Conduct Working Group has done extra work on vertical restraints. And the ICN Advocacy Working Group has developed its market studies database. You will find all work products on the conference website under “conference materials”. See <http://ICN2018delhi.in>

Day 3

The 17th ICN Annual Conference in New Delhi, India, closed on Friday, 23 March 2018, bringing to an end three days of plenary panels and breakout sessions on the competition topics most important to the competition agencies and non-governmental advisors from more than 70 countries. Nearly 500 participants were present at this year's conference, which started on Wednesday, 21 March.

The ICN is the most important worldwide network of competition authorities. On the last day of the conference, the Cartel plenary panel discussed the changing trends in cartel enforcement, and how to ensure that agencies provide sufficient incentives for cartelists to report cartel activity, in an age of increasing private enforcement of competition law in damages actions. The conference also discussed how ICN work products can best be implemented by its members.

This year's work products included new guiding principles on procedural fairness, updated recommended practices on cooperation on merger control, timing of merger notifications and review periods, and an interim report on key elements for efficient and effective leniency programmes. ICN's work also covered vertical mergers, market studies and advocacy strategies. All work products are available at the conference website (<http://ICN2018delhi.in/conference-materials.html>). In addition ICN presented its new website at the annual conference in Delhi.

In his closing speech, ICN Chair Andreas Mundt stated that it is the responsibility of competition agencies worldwide to ensure that the ICN's unique work products, its guidelines and recommended practices, are developed and implemented, while preserving the ICN's ultra-light organizational structure. Andreas Mundt thanked the Competition Commission of India for hosting the ICN's 17th Conference. The ICN provides one of the most important worldwide venues for experience-sharing and networking among agencies, legal and economics professionals, and stakeholders from the business and academic community. "Who is global if not the ICN?" stated Mundt.

The 2019 ICN Annual Conference will be held in Colombia, hosted by the Colombian Superintendencia de Industria y Comercio.