



**International
Competition
Network**

**Summary of ICN Work Product
2019-2020**

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Table of Contents

Section I: Working Groups

- Advocacy Working Group 3
- Agency Effectiveness Working Group 6
- Cartel Working Group 8
- Merger Working Group 11
- Unilateral Conduct Working Group 15

Section II: Steering Group Initiatives

- Statement on Covid-19 15
- Intersection competition, consumer & privacy 15
- International Cooperation 16
- Young Agencies and Regional Diversity 16
- CAP Framework 17
- Implementation 18
- NGA Engagement 19

Section III: Operational Working Groups

- Operational Framework Working Group 20
- Membership Working Group 20

Appendix: Overview of 2019-2020 Working Group Achievements

21

Section I: Working Groups

Advocacy Working Group

The mission of the Advocacy Working Group ([AWG](#)) is to improve the effectiveness of ICN members' advocacy activities in advancing the adoption of competition principles in government and promoting the development of a competition culture within society through the development of practical tools and guidance, and the facilitation of experience sharing among ICN member agencies. During the 2019-2020 ICN year, the Hong Kong Competition Commission, the Norwegian Competition Authority and the Competition and Consumer Commission of Singapore were the co-chairs of the AWG. The AWG has been engaged in the following main activities:

- Update and promote the Market Studies Info Store;
- the Advocacy and Digital Markets Project;
- the Strategy Project – case studies; and
- the Competition Advocacy Contest Project.

Update and promote the Market Studies Info Store

In light of the rapid development of disruptive technology and digital economy worldwide in recent years, the AWG member agencies find it helpful to learn about peers' experiences in conducting market studies in those areas. So the [Info Store](#) has been updated last year and added over 120 new entries, including those related to digital economy. The AWG also encouraged some emerging, smaller agencies to participate in this project. Members can have easy access to this web-based catalogue of market studies, which are well categorised by jurisdiction and sector. The Store helps identify Member Agencies' market studies experience in particular sectors, and increase their dissemination among ICN members so that they can be more effectively used as a resource for authorities that have recently started conducting market studies, or are considering introducing market studies in their toolkit.

Competition Assessment

With respect to the competition assessment workstream, the AWG has in 2018-19 focused particularly on approaches to ex officio identification of candidates for competition assessment. This is reflected in this being the topic for a December 2018 AWG Teleseminar, and one of the issues explored at the AWG Workshop in Kyiv. Combined with member input and new and updated OECD material, the experiences presented at these events will be used to draft a report on approaches to identify candidates for competition assessment. The emphasis has in particular been to identify innovative approaches, in line with the focus of the work of the ICN Advocacy Working Group for 2018-2020. The [draft report](#) synthesizes members' input and complements previous work by the [AWG on Competition](#)

[assessment](#), i.e. Recommended Practices on Competition Assessment (2014) and Framework of Competition Assessment Regimes (2015).

Advocacy and Digital Markets Project

The aim of the AWG's Advocacy and Digital Markets Project in 2019-20 was to distil and integrate key findings/recommendations from the information gathered in 2018-19 on competition agencies' advocacy experiences in digital markets into the relevant ICN Advocacy documents. The AWG reviewed the ICN Advocacy documents and established that the competition agencies' experiences in digital markets would be useful to refresh the case studies in the [ICN Advocacy Toolkit](#). Several advocacy experiences in digital markets were identified to be included in the components of the ICN Advocacy Toolkit and they would be included in the ICN Advocacy Toolkit when the AWG embarks on the project to update the ICN Advocacy Toolkit in the following years.

Strategy Project

This [multiple-year project](#) aims to encourage experience-sharing among the AWG Members on the different approaches and steps that can be taken to plan, design, monitor and assess an overall advocacy strategy in an effective manner. In 2019, the project team collected dozens of case studies by agencies of various sizes and institutional set-up. These case studies will offer a deeper look into how a specific competition agency formulates its overall advocacy strategy and evaluates the advocacy efforts. In brief, the case-study will be composed of two parts: Part 1 *Overall Advocacy Strategy* – which illustrate an individual competition agency's overall advocacy strategy is formulated and how the advocacy efforts are evaluated; Part 2 *Major Advocacy Program* gives an detailed account of a selected advocacy program of which the specifics could help support and elaborate on an agency's formal strategy/ informal process as well as evaluation efforts.

ICN – World Bank Group Competition Advocacy Contest 2018-2019

The Contest Project aims to highlight the key role competition agencies play in promoting competition by showcasing their advocacy success stories. In 2019, the ICN and the World Bank Group launched the [2019-2020 Competition Advocacy Contest](#), on the theme of "Competition as a tool to reap the benefits and mitigate the costs of the new economy: Jobs, industry and data".

Implementation, dissemination and outreach

The AWG has undertaken various initiatives to disseminate and implement AWG work products. The AWG organized two teleseminars for the 2019-2020 period. The first teleseminar was held on 12 December 2019, which sought to present innovative tools used by competition agencies in their advocacy work. As part of a continued constructive dialogue with the OECD on the topic of market studies, the AWG co-chairs invited a competition expert from the OECD to moderate this webinar on market studies. The

second teleseminar took place on 19 March 2020, which had an insightful discussion on the competition advocacy challenges faced by agencies in the digital economy, how agencies meet these challenges, and how agencies can better equip themselves for competition advocacy in the digital economy.

Agency Effectiveness Working Group

The mission of the Agency Effectiveness Working Group ([AEWG](#)) is to identify key elements of an effective and efficient competition agency and develop best practices for agency strategy, planning, operations, investigative tools and procedures. The AEWG's work explores a variety of factors that affect how competition agencies achieve their objectives in an efficient and effective way.

The AEWG leadership team for 2019-2020 includes the Competition Authority of Botswana, the Canadian Competition Bureau, and the Swedish Competition Authority.

The AEWG has three main areas of focus during 2019-2020:

1. Organizational design and digitalisation;
2. The role of chief/senior economists for effective enforcement;
3. COVID-19 reference tool.

Organizational Design and Digitalisation

The increasing digitalisation implies that competition agencies face more complex investigations in fast-moving markets. It is therefore crucial that agencies are prepared and well equipped to meet new challenges in order to ensure effective enforcement. As a follow-up to the [ICN Report on Agency Effectiveness through Organisational Design](#), the AEWG continued to analyse how digitalisation affects the organisational design of competition agencies. The AEWG presented a webinar "Organisational Design and Digitalisation", where agencies of different sizes could share experiences with regard to their strategies and challenges in shaping their organisation to be fit to meet the new challenges of the transition to the digital economy.

The webinar addressed the following issues:

- Whether agencies have changed their organisational structure due to the increasing pace of digitalisation, e.g. the establishment of digital centres/units within the agency, recruiting data scientists, IT-forensic experts;
- What competition agencies can accomplish with the digital transformation, e.g. greater productivity, collaboration, process efficiency and improved investigations;
- The internal challenges of digitalisation, e.g. staff knowledge of digitalisation/AI.

The webinar also contributed to scoping future work on digitalisation from an agency effectiveness perspective.

The Role of Chief/Senior Economists for Effective Enforcement

This [multi-year project](#) is focused on increasing the involvement of Chief/Senior Economists and NGAs within the ICN to further develop and emphasize the importance of economics in competition analysis.

In 2016-2017, we conducted a [survey](#) of agencies to determine how economists participate within agencies and what economics-focused subject areas are of most interest and value to participants.

In 2018 and 2019, building on the results of the survey and feedback received from the AEWG, the AEWG Economics Subgroup held Competition Economics Workshops, where information and best practices were shared, case examples were discussed, and economists from agencies around the world could network to support the importance of economics in competition analysis. A workshop was scheduled for April 2020 but was unfortunately postponed owing to the COVID-19 pandemic. In addition, the AEWG Economics Subgroup planned to hold a teleseminar on the use of screens in antitrust. The panellists and moderator were selected and the date was confirmed with the ICN Horizontal Coordinator. Unfortunately, one week before the teleseminar date, it had to be postponed as one of the panellists indicated that the screening tool they were in the process of developing was not ready for external discussion. The Economics Subgroup hopes to revisit this topic in another teleseminar in the near future when all panellists are available.

COVID-19 reference tool

As a response to the COVID-19 pandemic, the AEWG has been responsible for updating an unofficial reference tool for ICN member agencies to raise awareness of some of the COVID-19 related policies being implemented by international counterparts. The reference tool will continue to be updated until amendments received are minimal.

Cartel Working Group

The ICN Cartel Working Group ([CWG](#)) brings together antitrust enforcers to address the challenges of anti-cartel enforcement, enhancing the ability to eliminate both domestic and international cartels. The CWG aims at reducing obstacles that antitrust agencies face in deterring and detecting cartels through the examination of important legal and policy issues and the exchange of effective investigative techniques.

For the 2019-2020 ICN year, the CWG was co-chaired by the Russian Federal Antimonopoly Service (FAS), the French Autorité de la Concurrence and the Brazilian Conselho Administrativo de Defesa Econômica (CADE).

The CWG consists of two subgroups:

- *Sub Group 1 (SG1): Legal Framework* addresses legal and conceptual challenges of anti-cartel enforcement. The focus of the subgroup is examining policy-level issues of the institutional and investigative framework for the detection and punishment of hard-core cartel conduct. In 2019-2020 SG1 was co-chaired by the Turkish Competition Authority (Rekabet Kurumu) and the Hungarian Competition Authority (GVH).
- *Sub Group 2 (SG2): Enforcement Techniques* aims at improving the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques and advancing the education and information sharing agenda of the CWG. In 2018-19 SG2 was co-chaired by the Netherlands Authority for Consumers and Markets (ACM) and the Chilean Fiscalía Nacional Económica .

SG1: Legal Framework

Enhancing coordination on leniency matters – Guidance on Enhancing Cross-Border Leniency Cooperation

As a follow-up of the previous work on incentivising leniency applications, such as “[Good Practices of Incentivising Leniency Applications](#)” report (2019) and the [Checklist for Efficient and Effective Leniency Programmes](#) (2017), a guidance document was created to assist agencies in coordinating with one another in the case of joint leniency application across multiple jurisdictions. As cartels cross borders, competition agencies are often called upon to coordinate with other jurisdictions and prospective leniency applicants face an increasingly complex choice when evaluating whether, and where, to seek leniency. Therefore, the guidance is intended to provide practical advice for competition agencies to assist them in engaging with other jurisdictions on matters involving multi-jurisdictional leniency applicants, with the two parallel aims of making international enforcement efforts more effective and helping to reduce disincentives for prospective leniency

applicants. The [guidance document](#) covers topics, such as communications between agencies, coordinating joint interviews as well as provides practical tips for managing confidentiality waivers.

Webinars

The SG1 webinars facilitate exchanges of experiences, sharing of ideas and knowledge about specific enforcement and policy efforts in other jurisdictions. Over the 2019-2020 working year, SG1 held five webinars on the topics of 1) Leniency: Good Practices and Lessons Learnt; 2) Damages claims in Cartel Cases; 3) How to detect and Assess Bidding Cartels; 4) Information Sharing: Boundary between Explicit and Tacit Collusion; and 5) Use of Presumptions in Establishing Existence of and Participation in Cartels. Two further webinars were organised with “Asia Pacific friendly” timing, one by the Japanese FTC on the topic of 1) Leniency: Good Practices and Lessons Learnt, and one by the Hong Kong Competition Commission on the topic of 4) Information Sharing: Boundary between Explicit and Tacit Collusion.

SG 2: Enforcement Techniques

Big data and cartels: The impact of digitalization in cartel enforcement

As part of the “Big data and Cartels Project”, the final version on the [Scoping Paper](#) on the impact of digitalization in cartel enforcement was circulated among CWG members and NGAs in May 2020. This scoping paper develops current relevant issues based on the activities the CWG work stream conducted in 2018-2019. The project may lead to the update of one or several chapters of the Anti-cartel enforcement manual in the work year 2020-2021. The scoping paper aims at identifying the main challenges raised by big data in cartel enforcement. The first part of the paper analyzes data as a vehicle for collusion, and the second part focuses on data as a tool for cartel detection. An [executive summary](#) is also available.

ICN Cartel Workshop 2019

The [Cartel Workshop in Foz do Iguaçu](#), Brazil from 7 – 10 October 2019 was highly successful. There were more than 200 experts from 40 jurisdictions in attendance. The Workshop was organized by Brazil’s CADE, with the assistance of SG2 and CWG co-chairs. CADE’s team put together an excellent three-day programme under the title: “Cartels in the Age of Data-Driven Economy”. Some of the topics discussed involved: the paradoxical impact of data on cartels, as it can be used to facilitate collusion and also help agencies to detect cartels; delineation of cartel activities in a changing business environment;

challenges and information management for data-driven markets; antitrust liability for software-based infringements; intelligence and screening tools; effective leniency and evidence assessment in the digital era; due process and cooperation tools.

Further development of a framework for the promotion of sharing of non-confidential information

During 2019, SG2 continued to develop and implement a [framework](#) for the promotion of sharing of non-confidential information. This framework is intended to assist competition agencies in knowing how to, and whom to, contact in international counterpart agencies when seeking non-confidential information. The results of a survey among participating agencies underline the positive experiences of competition authorities. The CWG distributed flyers to promote the framework during the annual Cartel Workshop in Brazil. The CWG will continue to support and promote the Framework in 2020.

Update to Anti-Cartel Enforcement Templates

During 2019-20, SG2 continued the process of updating the [Anti-Cartel Enforcement Templates](#), which provide public access to information about ICN members' anti-cartel enforcement regimes. The templates cover a range of topics, including the process for filing a complaint, decision-making, sanctioning cartel conduct, investigative tools, leniency, rights of defendants and confidentiality. Currently 39 templates are uploaded on the ICN website. In 2019-2020 SG2 supplemented the questionnaire with a new chapter on private enforcement and launched a new round of update / completion of the template.

Merger Working Group

The Merger Working Group ([MWG](#)) is ICN's oldest and most accomplished working group. Its collaborative work promotes effective merger review and facilitates procedural and substantive convergence. For 2019-2020, the Japan Fair Trade Commission (JFTC), UK Competition and Markets Authority (UKCMA) and Spanish Comisión Nacional de los Mercados y la Competencia (Spanish CNMC) led the MWG, with participation from over 63 member agencies and scores of non-governmental advisors (NGAs) from 40 jurisdictions.

2019-20 was another active year for the MWG, with the policy workshop in February 2020; project for conglomerate merger theories and case studies following the member survey together with experience-sharing teleseminars; project for procedural infringements following the member survey; a successful, teleseminar series on digital mergers, including nascent competition; and regional seminar series on decision making.

Conglomerate Mergers

In 2019-2020, the MWG, led by the JFTC, added to recent work on vertical mergers ([comparative survey report in 2017-2018](#), followed by [comparative case studies in 2018-2019](#)) by exploring conglomerate merger theories and case studies to conclude the multi-year work on non-horizontal mergers. The MWG conducted a survey of member jurisdictions in October 2019 and its initial result was presented at the Merger Workshop in February 2020. The MWG also held experience-sharing teleseminars exploring (1) key issues in the review of conglomerate mergers with some case studies and (2) relevance to digital economy (e.g., nascent competition). Both teleseminars gathered more than 100 audience. The key findings of these teleseminars will be attached to the final report of the survey results ([link](#)).

Procedural Infringements

In 2019-2020, the CMA and CNMC gathered feedback for the purposes of conducting a comparative study of NCAs' guidelines and practices on three issues: (i) 'procedural infringements' (breach of merger control proceedings under NCAs' respective domestic merger control legislation or other statutory instruments / guidelines); (ii) 'gun-jumping' (breach of the obligation to notify a reportable transaction and/or to obtain clearance before implementation of a merger; and (iii) 'remedy violations' (breaches of remedy conditions). The CMA and CNMC received feedback from 25 NCAs and are in the process of drafting their main findings. The final report will be issued in July 2020.

Merger Seminar Series (Sound Decision Making)

The MWG, led by the UK's CMA, organised a number of regional calls to discuss sound decision making in merger assessment, such as evidence-based decision making, transparency, independence, and anti-bribery laws. To that end, five calls were held in different regions with three to five authorities and/or non-governmental advisors participating in each call listed below.

- North and Central America: Antitrust Division of the US DoJ (Chair), the competition authorities of Mexico, Canada and El Salvador, as well as one NGA (Deborah Feinstein, formerly Director of the Bureau of Competition, US FTC).
- South America: competition authorities of Colombia (Chair) and Brazil, as well as two NGAs (Brazilian consulting firm *GO Associados*, and competition and antitrust practice of Mexico's *Von Wobeser*).
- Southern Africa: Competition Authority of Kenya (Chair) and the competition authorities of Zambia and South Africa.
- Asia-Pacific: Japanese FTC (Chair) and the competition authorities of Taiwan and Singapore as well as one NGA (Nobuaki Ito, NGA for the JFTC).
- Europe: UK's CMA (Chair) and the competition authorities of Ireland, Norway and Portugal, as well as one NGA (Rachel Brandenburger, NGA for the CMA).

The CMA is collating the reports from the regional webinars and on the basis of the findings from the webinars, is drafting a comparative report that includes findings across regions.

2020 Merger Workshop

The MWG organises the longest running and most innovative series of training and policy discussion workshops. The sixteenth [MWG workshop](#) was hosted by the Australian Competition and Consumer Commission in February 2020 in Melbourne, Australia. Over 220 participants from 45 jurisdictions attended the workshop. The workshop involved a mixture of keynote speakers and breakout sessions, which focused on the theme "Achieving the right balance: How competition authorities are approaching merger control and remedies in the changing market environment." Case examples about emerging challenges for competition authorities and practitioners were a focus of the workshop.

Framework for Merger Review Cooperation

In addition to the new tools mentioned above, the MWG continues to maintain the [Merger Cooperation Framework](#). The Framework provides contact details of agency liaison officers to facilitate information exchange between cooperating agency case teams. The JFTC administers the Framework. As of March 2020, 61 competition authorities have joined the Framework. Based on the results of the survey and the creation of new tools such as the flyer and sample information request form, the MWG will continue to maintain and further promote it.

Unilateral Conduct Working Group

The Unilateral Conduct Working Group ([UCWG](#)) was established at the fifth annual ICN conference in May 2006. Its primary objectives are to examine the challenges involved in analyzing unilateral conduct of dominant firms and firms with substantial market power, facilitate greater understanding of the issues involved in analyzing unilateral conduct, and promote convergence and sound enforcement of laws governing unilateral conduct. For the 2019-2020 ICN year, the Italian Competition Authority, the South African Competition Commission and DG COMP of the European Commission co-chaired the UCWG.

Assessing Dominance in Digital Era

Following the Annual Conference in Cartagena in 2019, the UCWG started a new multi-year project exploring the main issues and challenges connected with the assessment of dominance in the digital era.

Still in 2019, a survey on the “Assessment of Dominance/Substantial Market Power in Digital Markets” was launched, seeking to ascertain whether:

- The experience of the ICN members suggests that the assessment of dominance/substantial market power in digital markets requires consideration of factors different from those guiding the assessment of dominance/substantial market power in non-digital markets and/or whether the same factors have different importance in digital markets; and
- ICN members wish to have specific ICN guidance assessment of dominance/substantial market power in digital markets or consider that existing ICN documents can be revised to provide more detailed guidance.

The survey was addressed to the ICN competition authorities and their NGAs. A first analysis of the replies to the survey is available on the ICN website ([link](#)).

2019 Unilateral Conduct Workshop

COFECE of Mexico hosted the eighth ICN Unilateral Conduct Workshop in Mexico City on 14-15 November 2019. 144 delegates participated in the Workshop, representing 32 jurisdictions. The event focused on two key themes: (i) Recent developments in market definition and market power of digital platform markets, and (ii) tying: recent theory and practice in digital markets. The Workshop also offered practical, hands-on breakout sessions, based on hypothetical scenarios relating to these themes. The relevant materials can be found here: <https://www.cofece.mx/uc-workshop2019/>

Webinars

The UCWG held three webinars. Two webinars covered the topic of dominance assessment in two-sided platforms. The third one looked at vertical restraints, an exploration of remedies and addressing market harm in the digital era.

Section II: Steering Group Initiatives

In the last ICN year 2019-2020, the ICN Steering Group focused on several projects concerning:

- Competition law enforcement during and after the COVID-19 pandemic;
- Competition law enforcement at the intersection between competition, consumer protection, and privacy;
- International Cooperation, jointly with the OECD;
- Engagement particularly of younger agencies and from different world regions;
- ICN Framework on Competition Agency Procedures (CAP);
- Implementation through the Advocacy and Implementation Network and
- NGA engagement.

Competition law enforcement during and after the COVID-19 pandemic

In April 2020, the ICN Steering Group issued a [statement](#) addressing key considerations related to competition law enforcement during and after the COVID-19 pandemic.

The statement recognizes the unprecedented challenges that competition agencies are facing to maintain their enforcement missions during the pandemic. The statement reaffirms the relevance of competition to economies in crisis and urges member agencies to remain vigilant to anti-competitive conduct during the crisis. The statement recognizes the ability of agencies to evaluate and consider good faith efforts and limited collaborations among competitors to provide needed goods and services in making enforcement decisions, in line with applicable laws. It also encourages transparency with respect to operational and policy changes during the crisis and supports member agency advocacy efforts to promote competition as a guiding principle for economic recovery efforts in the aftermath of the pandemic. Together with the OECD Competition Committee, the ICN organized a webinar to discuss competition investigations during the Covid-19 Crisis on 5 May 2020.

Competition law enforcement at the intersection between competition, consumer protection, and privacy

In February 2020, the Steering Group has launched a new project related to competition law enforcement at the intersection between competition, consumer protection, and privacy. Recognizing the global nature of these issues, the Steering Group project is aimed at increasing mutual understanding and sharing experiences of ICN members as competition agencies, regardless of their institutional design or competences. The project is led by the Australian Competition and Consumer Commission, Canadian Competition

Bureau and the Italian Autorità Garante della Concorrenza e del Mercato, and also involves a group of project volunteers among ICN member agencies.

The [scoping paper](#) identifies four tasks which are ongoing. Task 1 aims at identifying relevant issues through the collection of background materials, including OECD's available work in this area and is carried out by a small group of ICN members. Task 2, building on the results of Task 1, will involve the wider audience of ICN members in order to seek real-world experiences of this intersection in antitrust cases, merger investigations, market studies, as well as summaries of relevant legislative changes with potential competition implications. Task 3, which runs in parallel, consists in the organisation of webinars that will involve Non-Governmental Advisors to gather a broader perspective into the project. Lastly, Task 4 will entail the delivery of the final output of the project, that is, an agencies considerations document to be approved by the Steering Group in 2021.

ICN-OECD Joint Project on International Cooperation

Improving enforcement co-operation between competition authorities has been a priority for both the OECD Competition Committee and International Competition Network (ICN) for decades.

Following from the 2012 joint survey on international co-operation, in 2019 the OECD Secretariat and the ICN Steering Group decided to undertake an updated joint survey to determine current practices on international co-operation between agencies in enforcement cases/investigations, identify examples of effective international co-operation and areas for improvement, and support the monitoring of the implementation of their recommendations.

The survey was sent to both OECD members and ICN members around August 2019. The key findings of the joint survey will be presented in a webinar on 9 July 2020 while the draft report will be released towards the end of July 2020. Based on the responses, the joint report will highlight on how international enforcement co-operation has progressed since 2012, including considerations for future ICN and OECD initiatives to support co-operation. The final joint report is expected by the end of the year.

Fostering Engagement with Young Agencies and Regional Diversity

The Vice-Chair for Young Agencies and Regional Diversity, Alejandra Palacios Prieto, Chairwoman of the Mexican Federal Economic Competition Commission (COFECE), recognizes both the importance of the full engagement of new and young agencies into the ICN to strengthen the network's global reach to ensure dissemination of good practices, and the essential role of these members to further enrich and diversify the content of ICN products.

In this regard, during the 2019-20 ICN year, Vice-Chair Palacios proposed the *ICN Bridging Project*, a pilot outreach program targeted to new and young agencies who want to

become more involved and active in the ICN. The Bridging Project has been developed as a partnering program and its objective is bringing together young and small agencies (YSAs) with Steering Group members (SGMs), who will guide them through ICN's resources and assist them to identify upcoming opportunities for a greater participation and contribution to ICN products and activities. The implementation of this pilot program is supported by the ICN's Promotion and Implementation team (P&I).

The project is based on the establishment of an ongoing partnership between YSAs and SGMs; the definition of clear expectations and realistic goals tailored to meet the YSAs needs; guidance provided by the SGMs that will not replace, but rather build on the YSAs responsibility to communicate directly with other ICN members and the Working Groups; regular communications; and an evaluation and follow-up of the partnership.

Currently, the pilot program is at an early implementation stage and has the participation of YSAs and SGMs from nine jurisdictions. Participating YSAs are identifying the areas they wish to strengthen regarding their involvement in the ICN, ranging from improving their general understanding of the network and its way of work, to increasing their involvement in specific Working Groups or work products. As for SGMs, participants are building a trustworthy relation to better guide YSAs in bridging the gap with the ICN.

Since the appointment of Ms. Palacios as Vice-Chair in 2016, her proposals have gone towards an active participation of younger agencies through learning and understanding the challenges and barriers they face and paving the way for greater involvement of these members.

Mr Tembinkosi Bonakele, Commissioner of the Competition Commission of South Africa, was appointed Vice-Chair on 16 October 2019 replacing Mr Toh Han Li, Chief Executive of the Competition and Consumer Commission of Singapore (CCCS), whose term at CCCS had ended on 30 September 2019. Vice-Chair Bonakele has brought in his valuable expertise regarding regional networks such as the African Competition Network and enhances the ICN's cooperation with regional networks.

Implementing the ICN Framework on Competition Agency Procedures (CAP)

On 5 June 2019, the ICN held the inaugural meeting of the participants of the ICN Framework for Competition Agency Procedures (CAP) in Paris. The first-term CAP Co-chairs were confirmed as: (i) the Australian Competition and Consumer Commission, (ii) the German Bundeskartellamt, and (iii) the United States Department of Justice, Antitrust Division.

The CAP is an opt-in implementation framework open to all ICN members and other competition authorities. The CAP contains fundamental procedural fairness principles that reflect the broad consensus within the global competition community across different legal and institutional frameworks. Participants are willing to adhere to these principles and cooperate in the implementation of the CAP.

The CAP introduces two procedures: 1) the CAP Cooperation Process, which facilitates agency-to-agency dialogue and 2) the CAP Review Process, which promotes transparency between participants by allowing them to share and explain important features of their systems.

The co-chairs promoted the CAP framework to the major ICN events, including the working group workshops. Additional information related to the CAP can be found [here](#). As of August 2019, there were 72 participants to the CAP. A list is linked [here](#).

Implementation

Promotion, awareness and encouraging implementation of ICN work product is vital to the network. The first goal mentioned in the ICN's mission statement is "to advocate the adoption of superior standards and procedures in competition policy around the world." ICN Chair Mundt has emphasized the "great importance for the ICN in the future to raise awareness for its work products, promote them and ensure that they are implemented into legislation and everyday work, making the ICN the key element of global convergence in competition law."

To support ICN's work and its impact, the ICN has a dedicated "[Promotion and Implementation](#)" (P&I) group co-chaired by Portugal's AdC, the US FTC, Mexico's COFECE, and joined by Working Group chairs and other interested members.

The P&I group promotes ICN work and implementation initiatives in a variety of ways.

- The JFTC produces an annual "[Work Product Catalog](#)" to raise awareness of ICN's core consensus work product across its various working groups.
- The P&I coordinates with working group chairs to provide implementation assistance to members interested in learning more about ICN work product on specific topics.
- The P&I group makes an annual request to members for stories about how members use ICN work product, to help document ICN's impact and inspire members with implementation ideas from their peers. The results of the 2019-20 request will be compiled with stories from prior years in a collection of ICN achievements.
- The P&I group is supporting the ICN Vice-Chair for Younger Agencies and Regional Diversity in the implementation of the pilot program for the ICN Bridging Project, whose objective is bringing together Young and Small Agencies (YSAs) with Steering Group Members (SGMs) to identify upcoming opportunities for a greater participation and contribution in projects, teleseminars, workshops and all other ICN activities.
- The P&I group is assisting with the [ICN's website](#) update, the strategy for a more active twitter account, and a newsletter to raise awareness about new and existing ICN work.

- The P&I group oversees [ICN's Training on Demand project](#) of creating online training videos on competition law and policy topics using ICN work product.

The P&I group aims to develop further initiatives to assist working groups in promoting the implementation of work product among members, as well as raising awareness of ICN work product, engaging the wider ICN membership and non-governmental advisors.

NGA engagement

NGA engagement is a founding pillar of the ICN.

Since its inception, the ICN has attracted competent, eager, engaged NGA partners that have shared in its accomplishments. NGAs help draft and refine ICN work products, inform ICN discussions, and raise awareness of the ICN's work. The ICN's relationship with its NGAs has lived up to the "high level of goodwill and cooperation" cited in the aspirations of ICN's Operational Framework.

The ICN has aspired to broaden its NGA participation and perspectives for many years. Several initiatives have taken place under the leadership of the ICN NGA Liaison to support this goal, including the creation of a session dedicated to NGA Engagement at each ICN Annual Conference (established since the 10th ICN Annual Conference in The Hague) and the creation of an NGA Toolkit.

Isabelle de Silva, President of the French Autorité de la concurrence, and entrusted with the role of ICN NGA Liaison, continues to work towards greater NGA engagement.

Following up on the NGA Engagement session at the 18th ICN Annual Conference in Cartagena chaired by Isabelle de Silva, it was suggested that the NGA Toolkit should be revamped. A team of volunteer NGAs was assembled, reflecting the diversity of NGAs in terms of professional background and geography, to conduct the review exercise. The discussion focused mainly on points that needed to be reinforced in the message put forward in the toolkit: how to ensure greater diversity, by having younger NGAs, and by promoting less represented competition experts, e.g., judges; how to improve the dialogue between agencies and NGAs; and more generally, how to better involve NGAs, and especially new NGAs, in the ICN. After several rounds of discussion also involving volunteer agencies, the [updated NGA Toolkit](#) was approved by the Steering Group on May 13, 2020.

Section III: Operational Working Groups

Operational Framework Working Group

The Operational Framework Working Group ([OFWG](#)) was established at the first ICN Annual Conference in Naples, Italy in September 2002. The mission of the OFWG is to provide recommendations on operational and governance issues of the ICN to the SG. In 2019-2020, the Canadian Competition Bureau and the Colombian Superintendencia de Industria y Comercio chaired the OFWG and no activity was registered.

Membership Working Group

The Membership Working Group, co-chaired by the Korea Fair Trade Commission and the Comisión Nacional de los Mercados y la Competencia of Spain, was established at the first ICN Annual Conference in September 2002. Its main purpose is to accept applications for ICN membership from competition agencies around the world, examine them under the criteria for membership set out in the Operational Framework of the ICN and refer the case to the SG for the members' review and consensus.

Since the 2014 ICN Annual Conference, the Membership Working Group has reviewed applications for entry to the ICN and the SG approved the following new ICN members:

- Competition Agency, Georgia;
- Competition and Consumer Protection Authority, Ethiopia;
- Competition and Consumer Protection Tribunal, Zambia;
- Fair Trading Commission, Trinidad & Tobago;
- Competition Protection Authority, Kuwait;
- Committee of the Protection of Competition and Prohibition of Monopolistic Practices, Qatar;
- Competition Commission, Philippines;
- Competition and Consumer Affairs Commission, Guyana;
- Competition Authority, French Polynesia;
- Curacao Competition Authority;
- Competition Regulation Committee of the Government, United Arab Emirates;
- Bangladesh Competition Commission;
- Competition Authority, New-Caledonia;
- Federal Competition and Consumer Protection Commission, Nigeria;
- Competition Protection and Monopoly Prevention Centre, Sultanate of Oman;
- Angolan Competition Authority.

The new and successive members noted above help make the total number of the ICN membership mark **140 agencies from 129 jurisdictions as of 7 May 2020**.

Table 1: Overview of Working Groups Achievements 2019-2020

Advocacy Working Group	Remarks /Updates
Identified competition agencies’ advocacy experiences which could be used to refresh the case studies in the ICN Advocacy Toolkit	
Collected dozens of case studies by agencies of various sizes and institutional set-up. These case studies will offer a deeper look into how a specific competition agency formulates its overall advocacy strategy and evaluates the advocacy efforts.	
ICN – World Bank Competition Advocacy Contest 2019-2020 edition	
A teleseminar on market studies (12 December 2019), advocacy and digital markets (19 March 2020),	
Draft chapter for ICN Advocacy Handbook on "Approaches to Identify Policies for Competition Assessment"	
Updated and collated the latest market studies experiences of to the web-based Info Store, including submissions from smaller/ emerging agencies as well as those related to the digital and disruptive economy	
Agency Effectiveness Working Group	Remarks /Updates
Organisational Design and Digitalisation	<i>Webinar held in March 2020</i>
The Role of Chief/Senior Economists for Effective Enforcement	<i>Workshop unfortunately postponed owing to the COVID-19 pandemic</i>
COVID-19 reference tool	<i>The tool will continue to be updated until amendments received are minimal</i>
Cartel Working Group	Remarks /Updates
<p>Sub Group 1</p> <p>Enhancing coordination on leniency matters – Guidance on Enhancing Cross-Border Leniency Cooperation</p>	<i>The project is finalized and sent for the approval of the Steering Committee</i>
<p>Webinars on: 1) Leniency: Good Practices and Lessons Learnt; 2) Damages claims in Cartel Cases; 3) How to detect and Assess Bidding Cartels; 4) Information Sharing: Boundary between Explicit and Tacit Collusion; and 5) Use of Presumptions in Establishing Existence of and Participation in Cartels.</p> <p>Asia Pacific friendly timed calls in the topics of 1) Leniency: Good Practices and Lessons Learnt and 4) Information Sharing: Boundary between Explicit and Tacit Collusion</p>	<i>Each webinar was attended by more than 50 participants and the presentations, which were permitted, were shared with the ICN Members</i>
Sub Group 2	

Annual ICN Cartel Workshop, hosted by Brazil's CADE in Foz do Iguacu in October 2019	
Final version on the Scoping Paper on the impact of digitalization in cartel enforcement, part of the "Big data and Cartels Project",	
Framework for the promotion of the sharing of non-confidential information	
Anti-Cartel Enforcement Template Update	
Merger Working Group	Remarks /Updates
Conglomerate Mergers Project: comprehensive agency survey and theories of conglomerate merger assessment with series of teleseminars.	<i>The final report will be published in the 2020-2021 ICN year.</i>
Procedural Infringements Project: comparative and informational report based on the survey on procedural infringements, including failure to file, gun jumping, request for information compliance and remedy violations.	<i>The final report will be published in the 2020-2021 ICN year.</i>
Digital Mergers: seminar series on digital mergers.	<i>The MWG will explore new experience-sharing teleseminars.</i>
Sound Decision Making: regional webinar series on the subject of sound decision-making, covering topics such as evidence-based decision-making, transparency, independence and anti-bribery, followed by a comparative report on findings.	<i>The MWG is considering a further regional webinar series on the subject of "Mergers in times of uncertainty", covering issues arising from the COVID-19 crisis.</i>
Enforcement Cooperation Tools Project: maintenance and promotion of the Merger Cooperation Framework.	<i>The MWG will continue to maintain and promote the Merger Cooperation Framework.</i>
2020 MWG Workshop (February 2020), hosted by the Australian Competition and Consumer Commission; focused on achieving the right balance in approaching merger review and remedies. Link: https://www.accc.gov.au/about-us/conferences-events/icn-merger-workshop-2020 .	<i>The MWG will organise the next workshop in 2020-2021.</i>
Unilateral Conduct Working Group	Remarks /Updates
2019 Unilateral Conduct Workshop	<i>https://www.cofece.mx/uc-workshop2019/</i>
Assessing Dominance in Digital Era <i>First analysis of survey replies to be available by September 2020.</i>	<i>The project continues in the 2020-2021 ICN year (results from the ongoing survey will show the need for e.g. the deepening of specific aspects relating to the assessment of dominance/substantial market power in digital markets and for specific ICN guidance).</i>
Webinars on: <ul style="list-style-type: none"> • Dominance Assessment in Two-Sided Platforms (2 webinars) 	

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| | <ul style="list-style-type: none">• Vertical Restraints - An Exploration of Remedies and Addressing Market Harm in the Digital Era | |
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