



ICN Steering Group Meeting
Wednesday, 4 December 2019
8:15 a.m.
OECD, Château Room C

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 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 and informed them that Mr Birol Küle had been appointed as head of the Turkish Competition Authority on 2 November 2019. The SG approved the proposed agenda and the minutes of the SG meeting on 16 October 2019.

Item 2: ICN CAP

The CAP Co-Chairs updated the Steering Group on the ICN Framework on Competition Agency Procedures. They highlighted the ICN CAP breakout sessions at the Unilateral Conduct workshops in Mexico and the Cartel workshop in Brazil. The CAP Co-chairs are in the process of finalizing the CAP website and will publish the templates provided by CAP members. The Chair thanked the ACCC and the US DOJ for their work as ICN CAP Co-Chairs.

Item 3: Unilateral Conduct Workshop

The Mexican Federal Economic Competition Commission (COFECE) reported back from the 8th Unilateral Conduct Workshop hosted by COFECE in Mexico City on November 14 and 15, 2019 with participants representing competition agencies from 32 countries, as well as competition experts from international organizations and the legal, business and academic communities. For two days they participated in plenary sessions on the topics of: “Market definition and market power of digital platforms”, “Tying, recent theory and practice in digital markets” and “Remedies/commitments in digital cases”. The plenaries were followed by breakout sessions that showcased the discussion of two hypotheticals. The workshop had two reporting on Breakout Sessions which allowed for the exchange of highlights on market definition, theories of harm and efficiency considerations as well as discussions on their approaches and timing regarding remedies/commitments. During the workshop it was announced that the 9th edition of the Unilateral Conduct Workshop will be organized by the Competition Commission of India in New Delhi in 2020.

Item 4: Annual Conference

The joint hosts presented the draft agenda for the 2020 Annual Conference which will take place in Los Angeles from 12 to 14 May 2020 including the special project “Digital economy, innovation and big tech” which will also serve as an overarching theme for the conference. The hosts also presented and explained new formats including counterprogramming during the Cartel and Merger plenary sessions as an experiment.

The Working Group Co-Chairs presented the working titles of their plenary and breakout sessions:

Agency Effectiveness Working Group:

- Plenary: The New Faces of Competition Authorities: Digital Teams
- BOS: Toolbox and coverage of cooperation between competition agencies on coordination of investigative steps.
- BOS: The New Faces of Competition Authorities: Digital Teams
- BOS: Economists Session
- BOS: Enforcement Priorities in Action: Agency Effectiveness Perspective

Advocacy Working Group

- Plenary: Competition Advocacy in the Digital Age
- BOS: Stories and ideas from the ICN–World Bank Group Competition Advocacy Contest
- BOS: Innovative approaches to competition assessment (NCA)
- BOS: Pairing-up: leveraging on external resources for market study (HKCC)

Cartel Working Group

- Plenary: Big Data and Cartelization
- Laureate Room: Sustainability and the Fight Against Cartels

- BOS: How to Deal with Big Cases
- BOS: Hot Topics in Leniency
- BOS: Whistleblowers in Antitrust Investigation

Merger Working Group

- Plenary: Digital Mergers
- Laureate Room: Procedural Infringements
- BOS: Decision Making
- BOS: Theories of Harm in Digital Mergers
- BOS: Notification Threshold and Review Systems
- BOS: Conglomerate Mergers

Unilateral Conduct Working Group

- Plenary: Unilateral Conduct Remedies (in particular in digital markets)
- BOS: The Definition of Relevant Markets in Digital Markets
- BOS: Market Power in Digital Markets
- BOS: Experience in the Pharma Sector
- BOS: Remedies in UC Cases
- BOS: Hypothetical related to Tying Arrangements

The Italian competition agency presented the ICN-/World Bank Group Competition Advocacy Contest

The SG members approved the draft agenda.

Item 5: Competition, Consumer & Privacy

The Chair invited the Steering Group to discuss the potential Steering Group project on issues at the intersection of competition, consumer protection and data privacy based on a scoping note circulated to SG members before the meeting. Many Steering Group members highlighted the relevance of the issues involved for their work and expressed strong support for the project. There was, however, a request to focus the topic on the role of data in competition assessment as the proposal to look at the intersection with other areas of law was considered too broad. The SG members decided to continue the discussion at the following SG meeting.

Item 6: ICN Membership

The SG members approved the application for ICN membership of the Angolan Competition Authority for Steering Group approval.

Item 7: ICN-OECD Liaison

The ICN/OECD Liaison presented an update on the joint ICN/OECD project on international cooperation, including the draft workplan for Steering Group approval. The document sets out the timeline and milestones for the project as agreed with the OECD, in collaboration with the

Italian Competition Authority and the ACCC, which is providing a secondee to the OECD to contribute to the project. The project team has received approximately 45 responses to the survey sent to ICN members and several others are expected. More responses will be encouraged by the project team. The next steps will include analysis of responses and launching the drafting process. A presentation of preliminary results will take place at the 2020 ICN Annual Conference in LA.

Item 8. Other Business

No other business was reported.

Item 9: Future SG Meetings

The next SG meeting will be held on January 22, 2020.