



Advocacy Working Group



Update of the ICN Advocacy Toolkit - Part 2

Effective communication of competition advocacy messages.

AWG Co-Chairs have finished reviewing the components of Part 2 of the ICN Advocacy Toolkit.

This multi-year project will focus on reviewing the components/steps for effective advocacy projects in the ICN Advocacy Toolkit to ensure they are relevant for competition agencies' current operating environment, and to refresh the case studies in the Toolkit with recent examples.

- **Status:** Over the summer, the Working Group invited members to share their expectations for this part of the Toolkit. On November 25, 2022, the AWG Co-Chairs held a Webinar in order to share the first draft of the Part 2 of the ICN Advocacy Toolkit. The idea was to gather some inputs from Members and NGAS and share the construction process we have had so far.

Market Studies Information Store. The ICN Market Studies Information Store is a web-based catalogue of ICN members' market studies, categorized by jurisdiction and sector. The Information Store is aimed at helping members in identifying market studies experience in particular sectors, which may assist fellow ICN members with: identifying issues for study; the cross-fertilization of ideas about market issues; identifying approaches to particular market concerns; and identifying ICN members who may be able to assist/advise based on their experience of conducting market studies in particular sectors.

- **Status:** The AWG is in the process of updating the Information Store. Further, in order to enhance the Information Store a new section dedicated to collaborative studies has been added.
- **How to Get Involved:** Members are requested to fill out a questionnaire with all the studies undertaken up to 2022. The form requires information on the reason for the study, the duration, the outcomes, and a link, where available, to the market study report. The form is can be accessed here - <https://bit.ly/3EvZrJ4>. Please fill out a separate form for each study conducted by **30th November, 2022** More information may be found [here](#).

Optimizing Advocacy to Enhance International Cooperation towards more Effective Enforcement. This multi-year project will provide practical tools and guidance to Competition Agencies in using advocacy to further enhance cooperation efforts towards more effective cross-border enforcement. The Project will have two phases. Phase I of the project involves the sharing and collection of domestic experiences in the use of advocacy as a means to improve international cooperation in enforcement activities.

- **Status:** Lessons and insights from competition agencies in dealing with cross-border competition issues were gathered through a webinar and sharing session among member agencies. Click [here](#) for a recording of the presentation and discussions of the speakers. From this exercise, in Phase II, the Working Group will derive and consolidate a set of good practices and modalities in optimizing advocacy as a tool to improve international cooperation in enforcement activities
- Write up of the guidance/practical toolkit on optimizing advocacy to enhance international cooperation is being drafted. We hope to present the initial draft to the members by December 2022.

- The AWG through the PCC will be hosting the second leg of the bi-monthly call. This will be a discussion tentatively on one of the AWG's work products -- Explaining the Benefits of Competition to Businesses.
- **How to get involved:** Members and NGAs are encouraged to take part in the project by sharing their insights through an online [survey](#).

Upcoming Workshop

Advocacy Workshop, 22-23, February 2024 in Nairobi, Kenya.

Find out more about AWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/advocacy/>

Contact AWG Working Group Co-Chairs:

[Philippine Competition Commission](#)

[Competition Authority of Kenya](#)

[Superintendency of Industry and Commerce, Colombia](#)



Agency Effectiveness Working Group



Agency Effectiveness Post-Covid-19. As the world enters into a new normal after the COVID-19 pandemic, this Project will continue to analyze how competition agencies responded and adapted themselves derived from the emergency and how they can be better prepared to face future similar emerging situations. It will keep its focus of analyzing topics such as work environments, digitalization of procedures, new investigative tools or processes, communications and engagement with stakeholders and general agencies' operations.

- **Status:** The draft report is under preparation.
- **How to get involved:** Members will be invited to comment the draft report.

Planning, Monitoring and Measuring Effectiveness. This project will focus on member agencies' best practices and experiences in identifying clear objectives and strategies, assessing progress as well as evaluating effectiveness. For this ICN work year, the project will continue to focus on the topic "Gathering and Using Information for Effective Strategic Planning".

- **Status:** Member agencies have shared their experiences through a questionnaire on this topic. Currently, the responses are being analyzed.
- **How to get involved:** A draft report summarizing the results of the questionnaires will be distributed among members for comments.

Digitalization, Innovation and Agency Effectiveness. This multi-year project continues exploring various strategies and approaches used by competition agencies when harnessing digitalization to improve agency effectiveness. The project aims to create a forum for digital and IT experts to discuss digital and data issues related to the work of competition authorities.

- **Status:** A webinar or workshop is planned for the third quarter of 2023.
- **How to get involved:** Members, digital experts and data scientists of competition agencies are welcome to participate on the webinar/workshop.

Upcoming Workshop

Chief and Senior Economists Workshop. As with past events, this will be an opportunity for Chief and Senior Economists from competition agencies worldwide to discuss ongoing issues in competition economics with the participation of leading international experts.

- **Status:** The workshop is planned to take place on May 30–31, 2023 in Bergen, Norway
- **How to get involved:** Chief and Senior Economist are invited to participate on the workshop.

Find out more about AEWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/agency-effectiveness/>

Contact AEWG Working Group Co-Chairs:

[Federal Economic Competition Commission, Mexico](#)

[Hungarian Competition Authority](#)

[Competition and Consumer Commission of Singapore](#)



Cartel Working Group



Horizontal Cooperation & Crisis Cartels at Times of Covid-19. The objective of the project, started in 2020, is to share experience and discuss the main challenges and pressures that competition agencies face when assessing crisis cartels and horizontal coordination in the context of the Covid-19 pandemic. Following the 2021 interim report, CWG aims to issue the final report during this ICN year, with considerations on cartel enforcement at times of inflation and disruptions of supply chains.

- Members and NGAs are invited to contact Italy AGCM or US DOJ to contribute to the report.

Back to Basics Program. This project will focus on identifying current challenges for enforcers and take a practical, experiential-based approach to developing enforcement techniques, including:

- Cartel Webinar Series on Dawn Raids/Inspections (Early 2023) – Contact UK CMA or Chile FNE to get involved
- Virtual Leniency Workshop (April/May 2023) – Further information will be shared later this year. Members and NGAs are invited to contact US DOJ to express your interest in helping to plan the workshop
- Creation of Framework for Information Sharing on Data Analytics – Members are invited to contact any of the co-chairs to express your interest in this project

Implementation and dissemination. The CWG will continue to (i) maintain and encourage use of the ICN framework for the promotion of the sharing of non-confidential information; (ii) update and promote the Anti-Cartel Enforcement Templates; (iii) disseminate the use of work-products such as the [Guidance on Enhancing Cross-Border Leniency Cooperation](#) and the Anti-Cartel Enforcement Manual (in particular the [revised Chapters 3, 4 and 5](#)).

Update (or create) your agency's Anti-Cartel Template:

<https://www.internationalcompetitionnetwork.org/working-groups/cartel/templates/>

Upcoming Workshop

Cartel Workshop “Responding to a Changing World,” December 6-8, 2022 in Auckland. Join us in person in Auckland, New Zealand, or virtually for our annual workshop, hosted by the New Zealand Commerce Commission.

Find out more about CWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/cartel/>

Contact CWG Working Group Co-Chairs:

[Fiscalía Nacional Económica Chile](#)

[U.S. Department of Justice](#)

[Italian Competition Authority](#)



Merger Working Group



Control of data, market power and potential competition in merger review. This project focuses on analyzing the methods adopted by competition authorities to assess the effects of the control of data on merger reviews, especially regarding the assessment of market power of the merging firms and potential competition in digital markets. It will address how the control of data contributes to grant the companies market power, and how the control of data arising from mergers may strengthen the dominant position of incumbent firms, create barriers to entry for new firms, and/or eliminate potential competitors. [Lead: CADE]

- **Status:** A webinar was held on 11 October 2022 and the recording is now available at the ICN website (see [here](#)). The draft report on the survey will be circulated for comments in February 2023 and the project finalized by June 2023.
- **How to get involved:** Working Group members are invited to share their experiences and provide additional examples once the draft report is circulated.

Update of the ICN Recommended Practices on Entry and Expansion. Update of the Recommendations to reflect the latest best practices. The project team will draft the update. Following review and consideration of the comments received in response to this second consultation, a Revised ICN Entry and Expansion Chapter will be presented at the MWG breakout session at the 2023 ICN Annual Conference. [Lead: CMA and KT]

- **Status:** A second draft consultation document, setting out the proposed revisions as well as a description of the nature of and the reasoning behind each proposal, was circulated to members and NGAs for comment in November/October 2022. The draft takes into account comments received by members in response to the first consultation in April 2022, and also included some specific questions on which the project team was seeking views from members and NGAs alongside the project timeline and a selection of relevant materials on entry and expansion. The project team are currently considering the comments made. The project aims to be finalized by the end of 2022.
- **How to get involved:** Members and NGAs was invited to reply with comments, examples and share suggestions and responses to the consultation questions in November/October 2022. The project team has received several feedbacks in the second consultation. Should you have any comments to the project, please get in touch with icn.mergers@cma.gov.uk and icn.mergers@kt.no.

Update the ICN Recommended Practices with a new chapter on non-horizontal mergers. Add a chapter on non-horizontal mergers, addressing topics such as non-horizontal theories of harm and competition analysis, empirical analysis/evidence and remedies in non-horizontal mergers. First draft to be presented at the 2023 ICN Annual Conference. [Lead: DG COMP]

- **Status:** A Project Group formed by NCAs and NGAs has been formed and the kick-off call took place. The main task of the Project Group will be to discuss and provide input on the main steps of the project, including the design and results of the survey, the selection of topics for webinars and the drafting of the RP chapter itself, followed by a launch of a survey. Webinars to be organized in 2023. Draft chapter for comments in 2023.
- **How to get involved:** The survey will be launched in the coming days and we count on all for you to get valuable feedback. Members and NGAs will also be invited to participate in webinars and comment on the draft chapter during the consultation process.

Digital Mergers. This project focuses on sharing best practices on Digital Mergers. Topics will include market definition (use of SSNIP, zero price, etc.), competitive assessment and theories of harm (network effects,

tipping of the market, etc.), use of empirical analysis and evidence (survey, GUPPI, etc.), and remedies in digital markets. The project will involve a series of webinars, followed by a report. [Lead: KT and DG COMP]

- **Status:** The first (market definition) webinar was held 20 October 2022. The second (competitive assessment) webinar was held 24 November 2022.. The third (empirical analysis) and fourth (remedies) webinar are planned to be held in January and February 2023. The webinars are being recorded, and a link to the videos will be shared with the MWG members.
- **How to get involved:** Members and NGAs are invited to participate in the webinars, and share their experience as well as comment on the draft report.

Find out more about MWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/merger/>

Contact MWG Working Group Co-Chairs:

[Norwegian Competition Authority](#)

[DG Competition, European Commission](#)

[Administrative Council for Economic Defense, Brazil](#)



Unilateral Conduct Working Group



Assessing Dominance in Digital Era. In 2022 to 2023, the Working Group will continue finalizing the draft paper on “Market Shares and Barriers to Entry and Expansion in Digital Markets”. This work will be coordinated by DG COMP until the finalization of the paper, with the support of the French Competition Authority, as co-chair.

- **Status:** The drafting of this paper by dedicated drafting teams is ongoing.
- **How to Get Involved:** Further circulation of the draft document for comments is envisaged (on a date still to be determined). You will be invited and encouraged to make comments and observations on that occasion.

Analysis of Theories of Harm and Design of Remedies Concerning Unilateral Conduct with Dominance/Substantial Market power in Digital Markets. The report aims to outline challenges that the ICN member agencies face when analysing theories of harm and designing remedies in actual unilateral conduct cases in digital markets and to know how the agencies are dealing with such challenges.

- **Status:** The Japan Fair Trade Commission is summarizing the result of the conducted survey and will present it at the 10th ICN Unilateral Conduct Workshop in Tokyo on March 7th and 8th, 2023.
- **How to Get Involved:** Members and NGAs are encouraged to participate in the Workshop in Tokyo. The draft report will be circulated to UCWG members for comments later this year or in January.

The use of urgency enforcement tools in the context of abuse of dominance proceedings. This project, led by the French Competition Authority, will focus on urgency enforcement tools in the context of abuse of dominance proceedings, including interim measures, that may be used by competition agencies to intervene swiftly so that effective competition is maintained, and damage is averted, while proceedings on the merits are on-going.

- **Status:** The UCWG will circulate a questionnaire to the UCWG member agencies and NGAs with and the ultimate goal of the project would be to prepare a practical document on the issue aimed at guiding competition agencies that already benefit from these tools, and possibly informing those who might wish to add this tool to their competition law framework.
- **How to Get Involved:** Members/NGAs are encouraged to respond to a questionnaire once circulated.

Upcoming Workshops & Webinars

Webinar on “Abuse of dominance in the Pharmaceutical sector” to be held January 25th, organized by the CNMC. A call for speakers will be submitted in the next weeks. A webinar on Cooperation between competition authorities in unilateral conduct”

10th Unilateral Conduct Workshop, March 7-8, 2023 in Tokyo, hosted by the JFTC. Currently, members are being invited to submit expressions of interest for speakers and moderators for the plenary and breakout sessions **by December 9**. All participants, both in-person and online, need to register through the official Workshop website, which will be open in December.

Find out more about UCWG at:

<https://www.internationalcompetitionnetwork.org/working-groups/unilateral-conduct/>

Contact UCWG Working Group Co-Chairs:

[French Competition Authority](#)

[Spanish National Markets and Competition Commission](#)

[Japan Fair Trade Commission](#)