



# Statement of Achievements

2023/2024



Presented at the 23rd Annual Conference of the ICN

Costa do Sauipe, Brazil 14-17 May 2024

# FOREWORD

Dear ICN members and NGAs,

We are delighted to bring the ICN Annual Conference back to Brazil for a second time after 12 years. At the conference, participants will share experiences and discuss cross-cutting issues, including new theories of harm, competition in emerging markets, interaction between global markets and local needs in agriculture and food markets, the issue of state-owned enterprises and new developments in the field of artificial intelligence.

It was a short but very successful ICN year. We can look back on an inspiring Advocacy Workshop in Nairobi, Kenya, and the very first in-person Technologist Group meeting which took place in Washington, DC. In addition, numerous webinars were held and intensive work was carried out in the working groups. The joint work led to work products on topics such as the control of data, market power and potential competition in merger review, recommended practices on non-horizontal mergers, gathering and using information for effective strategic planning, and competition law enforcement at the intersection between competition and privacy.

Inclusivity and participation across the network remain at the top of our agenda. Again this year, more than 100 members participated in the ICN Check-In, which was set up to confirm members' contact information and solicit direct feedback on ICN activities. We started the revision of the ICN Operational Framework and many group calls were held in which members participated very actively. The intensive work of the Operational Framework Working Group will continue in the coming ICN year.

Our joint work and efforts to strengthen competition are now more crucial than ever. In these increasingly difficult times it is all the more important that the ICN holds the competition community together. Many agencies are facing similar challenges, similar political pressure. It is therefore particularly important that we, as competition agencies, come together, discuss and exchange ideas and find joint solutions. As always, we will stream the open plenary sessions of the Annual Conference to give everyone who cannot attend in person the opportunity to participate virtually. In addition, we will come together in closed sessions to discuss topics in a more confidential setting.

We thank the competition authorities around the world – younger and more mature, diverse in terms of legal tradition, size, economy, geography, structure and culture. Together we form the ICN. Together we look forward to a great annual conference in Brazil and a successful ICN year 2024/25.

Best wishes,



**Alexandre Cordeiro**

Chairman

Administrative Council for Economic Defense



**Andreas Mundt**

President of the Bundeskartellamt

ICN Steering Group Chair



# ICN WORKING GROUPS

## Advocacy Working Group

The Advocacy Working Group (AWG) aims to improve the effectiveness of ICN members in advocating the dissemination of competition principles and to promote the development of a competition culture. AWG develops practical tools and guidance, and facilitates experience-sharing among ICN member agencies.

**AWG Co-Chairs:** [CC Philippines](#), [CA Kenya](#), [CA Egypt](#), [JFTC Japan](#)

**Special Project Lead:** [CCCS Singapore](#)

### Advocacy Workshop 2024

“Bouncing Back: Competition Advocacy and Resilience to Global Shocks”, hosted by the Competition Authority of Kenya in Nairobi (February 22-23, 2024). The workshop unpacked the role of advocacy in advancing the goals of competition law enforcement, thereby supporting recovery of economies from disruptions, including pandemics, economic downturns, and extended period supply chain constraints. **Host agency:** [CA Kenya](#)

### 2024 Competition Advocacy Contest

The 2024 Competition Advocacy Contest jointly organized by the World Bank Group and the ICN will award advocacy initiatives that have been successful in supporting public policies aimed at addressing global challenges, like climate change, and economic crisis. **Lead contact:** [AGCM Italy](#)

### Ongoing and upcoming Topics

- Assessing Progress in Development of Successful Advocacy Strategies to the Judiciary
- Evaluating the Effectiveness of Advocacy Initiative
- Interactions between Sector Regulators and Competition Authorities
- Advocacy Toolkit pt. II.
- Optimizing Advocacy to Enhance International Cooperation towards more Effective Enforcement



## Agency Effectiveness Working Group

The mission of the Agency Effectiveness Working Group (AEWG) is to identify key elements of a well-functioning competition agency and good practices for strategy and planning, operations, and enforcement tools and procedures.

**AWG Co-Chairs:** [COFECE Mexico](#), [GVH Hungary](#), [HCC Greece](#), [AGCM Italy](#)

### 2024 Work Product

#### ***Report on Gathering and Using Information for Effective Strategic Planning***

This project examined the information sources which ICN member agencies tapped on to develop effective strategic plans, the types of information gathered from each information source; the channels utilized to get information from each information source, the factors/criteria used to decide which information is relevant for developing its strategic plans, as well as the challenges faced and practical tips on gathering and assessing the information. **Project Lead:** [CCCS Singapore](#)

### 2024 Webinar Series

#### ***Webinar on Effective Training on Competition***

Building upon the invaluable insights gathered from the [2017 AEWG report](#), this webinar held on 14 March 2024 spotlighted agencies with exemplary training practices. **Lead contacts:** [AGCM Italy](#), [HCC Greece](#)

#### ***Webinar on Making Enforcement Cooperation Effective***

This agency-only webinar on 18 April 2024 delved into practical strategies, approaches, and the inevitable challenges agencies encountered in their hands-on experience in cooperation on cartel cases. Lead contacts: [AGCM Italy](#), [HCC Greece](#)

#### ***Webinar on Quantitative Methods for Coordinated Effects***

On 8 May 2024 the AEWG held its economists webinar focusing on agency experience dealing with coordinated effects in general, a passthrough analysis of retail petrol prices in Singapore as well as coordinated effects in recent EC merger cases. **Lead contact:** [CB Canada](#)

### Ongoing and upcoming Topics

- Planning, Monitoring and Measuring Effectiveness
- Review and Update of the AEWG Work Products
- The Role of Chief/Senior Economists for Effective Enforcement
- Making Enforcement Cooperation Effective
- Effective Training on Competition



## Cartel Working Group

The mandate of the Cartel Working Group (CWG) is to address the challenges of anti-cartel enforcement, including the prevention, detection, investigation and punishment of cartel conduct. At the heart of antitrust enforcement is the battle against hard core cartels directed at price fixing, bid rigging, market allocation and output restriction.

**AWG Co-Chairs:** [FNE Chile](#), [US DoJ](#), [CC New Zealand](#), [CMA UK](#)

### 2024 Webinar Series

#### *2-part agency-only webinar series on Obstruction of Cartel Investigations*

Part 1 of the series took place on 21 February 2024 and discussed what obstruction is, why it is important for competition agencies, and techniques and tools for detecting and prosecuting obstruction.

Part 2 took place on 20 March 2024 and focused on practical aspects of investigating and prosecuting obstruction, including case study presentations.

Both webinars were repeated in a single webinar at an Asia-Pacific friendly time on Tuesday 7 May'. **Lead Contact:** [US DoJ](#)

### Ongoing and upcoming Topics

- Proactive Detection & Sanctions Toolkit” Project
- Overhaul Chapter 1 of the ICN’s Anti-Cartel Enforcement Manual
- Implementation and dissemination

### Upcoming Cartel Workshop

The 2024 ICN Cartel Workshop will take place on 2-4 October 2024 in Mexico City. This workshop, hosted by the Mexican Federal Economic Competition Commission (COFECE) will provide an outstanding opportunity to discuss the latest trends in cartel enforcement and exchange best practices among CWG members in a variety of topics and sessions. **Host Agency:** [COFECE Mexico](#)



## Merger Working Group

The Merger Working Group (MWG) promotes the adoption of best practices in the design and operation of merger review regimes.

**MWG Co-Chairs:** [KT Norway](#), [EC DG COMP](#), [CC Mauritius](#), [CB Canada](#)

### 2024 Work Products

#### *Updated Recommended Practices*

The revision of the chapter on Entry and Expansion seeks to reflect the latest best practices from competition agencies across the globe and any changes in competition agencies' analysis of entry and expansion since the Chapter was last updated in 2008. **Project leads:** [CMA UK](#), [KT Norway](#)

The new chapter on Non-Horizontal Mergers is addressing topics such as non-horizontal theories of harm and competition analysis, empirical analysis/evidence, and remedies in non-horizontal mergers. **Project lead:** [EC DG COMP](#)

#### *Reports*

The Report on Digital Mergers, is based on the key take-aways from a series of four webinars on digital mergers in the course of the 2022/23 ICN year. **Project leads:** [EC DG COMP](#), [KT Norway](#)

The report on Control of data, market power, and potential competition in merger reviews highlights ICN member agencies' experience in assessing how the control of data contributes to giving the merging parties market power, creating barriers to entry for new firms, and/or eliminating potential competitors. **Project lead:** [CADE](#)

### 2024 Webinar Series

#### *Series of webinars on investigative techniques in merger reviews*

The first webinar on quantitative methods in merger analysis took place on 15 February 2024, the second webinar on 14 March 2024 covered the use of internal documents and the third and final webinar on 25 April 2024 focused on efficiency gains. **Lead contact:** [KT Norway](#)

#### *Series of webinars on unilateral and coordinated effects of horizontal mergers*

The first two webinars on theories of harm took place on 12 March (unilateral) and 16 April 2024 (coordinated). Further webinars are planned on empirical analysis and evidence in investigations of unilateral effects (28 May), on coordinated effects: the empirical analysis and evidence & the use of artificial intelligence and algorithms by firms (4 June) and on remedies (tbc). **Lead contact:** [EC DG COMP](#)

### Ongoing and Upcoming Topics

- Update different chapters of the ICN Recommended Practices (unilateral effects, coordinated effects, counterfactual, market definition).
- Tools and practices for effective and timely management of merger cases.

### Upcoming Merger Workshop

The 2024 ICN Merger Workshop will take place on 13-15 November 2024 in Taipei, Taiwan. It will be hosted by the Taiwan Fair Trade Commission.



## Unilateral Conduct Working Group

The Unilateral Conduct Working Group (UCWG) examines the challenges involved in analyzing unilateral conduct of dominant firms and firms with substantial market power.

**UCWG Co-Chairs:** [AdIC France](#), [CNMC Spain](#), [CADE Brazil](#), [CA Turkey](#)

**Special Project Lead:** [KKV Sweden](#)

### 2024 Work Products

#### *Tying and Bundling in Digital Era*

This webinar took place on 20 December 2023. It focused on recent agency and NGA experiences regarding tying and bundling in the digital era and on the economic and legal issues behind contemporary tying and bundling cases. **Lead contact:** [CA Turkey](#)

#### *Interim measures in unilateral conduct proceedings*

This webinar on 28 February 2024 aimed to share experiences and discuss the challenges regarding the need for swift intervention for competition enforcers. **Lead contact:** [AdIC France](#)

#### *Exclusive dealing*

Exclusive dealing was the subject of the workbook chapter 5 produced by UCWG in 2013. The aim of the webinar of 19 March 2024 was to share knowledge and experiences about new developments since 2013, particularly in light of digitalization. **Lead contact:** [KKV Sweden](#)

#### *Lesson learnt in regulated sectors*

The focus of the webinar of 2 April 2024 was to share takeaways from the analysis of solutions provided in sectoral regulation that can be applied to cases of unilateral practices in regulated sectors, such as the digital sector. **Lead contact:** [CADE Brazil](#)

### Ongoing and Upcoming Topics

- The use of urgency enforcement tools in the context of abuse of dominance proceedings
- Follow up on theories of harm and remedies in digital markets
- Updating the UCWG Handbook Chapter on Exclusive Dealing



# ICN STEERING GROUP SPECIAL

## Intersection between competition, consumer protection and privacy

The [ICN Intersection project](#) was established to explore and attune member agencies to the relationship between competition, consumer, and privacy laws and policies, and who those relationships can impact competition agency work. The project group earlier organized a series of webinars and produced issues-spotting and agency examples papers. In 2024, the project group finalized an agency considerations handbook on how to recognize intersection issues and considerations for agencies to assess when concerns from these three areas intersect, to help them navigate their decision-making processes, including examples from member agencies. **Lead Contacts:** ACCC Australia, [CB Canada](#), [AGCM Italy](#), [US FTC](#)

## Competition Concerns in Food Markets

This project explores the challenges posed by high prices of essential food commodities and unavailability, especially for poorer populations and developing countries, and looks at possible roles of competition authorities. **Lead contacts:** [CC South Africa](#), [CA Kenya](#)

## ICN Technologists Group

The ICN Technologist group was established in 2023 under the portfolio of ICN Vice Chair for Digital and US FTC Chair Lina Khan. The group created a virtual meeting space for a new constituency within the ICN: agency officials focused on digital and tech work and research. Less than six months later, the first ICN Technologists Forum brought together agency technologists, data scientists and digital experts who met in Washington, DC from 25 to 26 March 2024 for a two-day forum. The agenda covered emerging topics such as the competitive implications of AI and commercial surveillance, as well as institutional issues such as establishing and integrating tech skillsets into competition agencies. Participating agencies issued a joint message on [Building Digital Capacity to Strengthen and Support Law Enforcement Agencies](#). **Lead contact:** [US FTC](#)

## Upcoming Sustainability Workshop

On 2 to 3 July 2024 the French Autorité de la Concurrence will host the virtual ICN Sustainability Workshop “The role of competition in supporting sustainable development goals”. **Host Agency:** [AdIC France](#)



# ROLES IN THE ICN 2023/2024

## Working Groups

Advocacy	CC Philippine	KAC Kenya	Egypt	JFTC Japan
Agency Effectiveness	COFECE Mexico	GVH Hungary	HCC Greece	AGCM Italy
Cartels	FNE Chile	US DOJ	CC New Zealand	UK CMA
Merger	KT Norway	EC DG COMP	CA Mauritius	BC Canada
Unilateral Conduct	Autorité France	CNMC Spain	CADE Brazil	CA Turkey
Operational Framework	CB Canada		CCI India	
Membership	KFTC Korea		CNMC Spain	
Promotion & Implementation	AdC Portugal	AdC Portugal	COFECE Mexico (ICN Bridging Project and OPEN ICN / Focus Group)	

## Special Projects and Resonsibilities

Chair	BKartA Germany	UNCTAD Liaison	AGCM Italy
Vice Chair	FTC USA	OECD Liaison	JFTC Japan
Vice Chair	CCCS Singapore	NGA Liaison	CADE Brazil
		Horizontal Coordinator	ACCC Australia
		Secretariat	CB Canada
Comperation	ACCC Australia, AdC Portugal, FTC USA, AGCM Italy, GVH hungary		
Intersection competition, consumer protection and privacy	AGCM Italy, ACCC Australia, CB Canada, FTC USA		
Competition concerns in agriculture and food markets	CC South Africa, CA Kenya		

## Special Projects and Resonsibilities

Framework for Competition Agency Procedure (CAP)	ACCC Australia, BKartA Germany, CA Poland
Framework for the promotion of the sharing of non-confidential information	JFTC Japan
Framework for Merger Review Cooperation	JFTC Japan