



Shaping the ICN's Next Years

Andreas Mundt

ICN Vice Chair

President of the Bundeskartellamt

ICN Vice Chair Andreas Mundy writes this month's ICN Column, sharing his experience working with ICN leadership to address new issues around prioritization, quality control, and the use and implementation of ICN work product.

The ICN is a vibrant organization that can now proudly look back on a successful first decade of existence.¹ The magnitude of its success could not have been anticipated back when the ICN was first initiated.

The ICN started with just 15 founding members. When they sat together for the first time, it was a novel idea: a group of competition authorities was formed to satisfy the need for a forum that would help further cooperation and facilitate convergence. It had become apparent that work did not stop at national boundaries, and that the increase in multinational and cross-border mergers also meant that the competition authorities had to step up their game to do the new situation justice. The ICN had a clear mission in 2001. It was launched with the aim of becoming “a project-oriented, consensus-based, informal network of antitrust agencies from developed and developing countries” that would “address antitrust enforcement and policy issues of common interest and formulate proposals for procedural and substantive convergence through a results-oriented agenda and structure.”²

As an organization, the ICN is a valuable platform that allows not only agency heads but also case handlers and other staff to exchange views; even the non-governmental advisers from the legal, business, economic, academic and consumer communities are given the opportunity of discourse. All of these important members of the ICN meet regularly in telephone meetings, workshops and conferences; constant contact is maintained throughout the year. At all these occasions the ICN officials discuss both high-and practical issues of their work.

The first few years of the organization resulted in fast growth and very lively discussions. Even though the ICN does not have as fixed and solidified a structure as other organizations, it has developed its own stable institutional structure and framework.

SECOND DECADE PROJECT

¹ See <http://www.internationalcompetitionnetwork.org/>.

² For a short history of the ICN, see www.internationalcompetitionnetwork.org/about/history.aspx. For further details, see M.E. Janow & J.F. Rill, *The Origins of the ICN*, in THE INTERNATIONAL COMPETITION NETWORK AT TEN: ORIGINS, ACCOMPLISHMENTS AND ASPIRATIONS (P. Lugard ed.) (2011) (“The ICN at Ten”); E. Fox, *Linked-In: Antitrust and the Virtues of a Virtual Network*, 43 INT’L L. 151 (2009), also reproduced in The ICN at Ten.

Shortly before completing its first decade, the ICN took the opportunity to pause and reflect. In its second decade the organization has grown to include 128 members from more than one hundred jurisdictions. The membership was asked to consider the benefits of ICN participation and to identify any needed improvements. The results of this process helped establish a long-term vision and strategy paper for the ICN³ as it readies to confront future issues and needs different to those ten years ago.

Responses to the second decade survey especially confirmed the membership's high appreciation for the ICN work products. The products vary greatly in their objective and practical implementation. In the past the ICN has produced a wide range of different work products, including analytical papers, reports, manuals, toolkits, recommended practices and templates. It also makes use of other media such as video clips for the ICN Curriculum Project, webinars, and blog postings.

ICN TOWN HALL MEETING

Last month, the ICN held its Second Town Hall Meeting as a way of continuing the self-examination that began with the Second Decade project. The Town Hall offered all interested members and potential new members the chance to hear from and share their views with ICN Vice Chairs Bruno Lasserre and Andreas Mundt. The discussion focused *inter alia* on the important topics of ICN work product and workload and the implementation of its work. Participants agreed that these were some of the main issues the ICN would have to deal with in the coming years.

WORKLOAD

The ICN Working Groups have produced a vast variety of very helpful work products. Every work product is the result of the dedication of various members to the respective project. The increasing number of ICN members has enabled the organization to distribute the workload over more shoulders and to take on an increasing number of projects. However, this does not necessarily discharge the other members from reviewing and contributing to the work products. In order to be able to manage the increase in work products, ICN members have decided to raise the organization's awareness of the issue of workload. By possibly reducing the number of future work products, the ICN aims to ensure that all members have the possibility to become part of the creation of these work products in the hope that this will lead to a better distribution of knowledge and a higher degree of

³ The ICN's Vision for its Second Decade, as presented at the 10th ICN Annual Conference in The Hague is available at: <http://www.internationalcompetitionnetwork.org/uploads/library/doc755.pdf>

acceptance. This process of assessing the workload will be closely followed by the ICN Steering Group and the Vice Chairs.

PRIORITY SETTING AND MAINTENANCE OF QUALITY

Further, a key objective of the ICN is to maintain the high quality of its work products. Prioritizing work plays an important role in ensuring that Working Groups produce the “right” work product and have enough resources available to keep up the good work. As the discussion is closely linked to the issue of workload, the ICN Steering Group has taken a “steering” role in advocating that working groups focus their efforts and concentrate on implementation, cooperation and the laying of groundwork for developing additional recommended practices. These important discussions have only just started and will continue at the next Steering Group meetings and Working Group Chairs’ meetings.

IMPLEMENTATION

ICN Members have frequently expressed how much they value the “treasure trove” of existing work products. However, especially to ICN members who have joined the organization only recently, some may find it difficult to become familiar with the breadth of ICN work products. In order to ensure that the best possible use is made of the existing work products, ICN members have agreed to pay more attention to implementation. Working Groups in the future will also place a special emphasis on keeping work products up-to-date and revising them when required. This is especially important to ensure that even newer members have the opportunity to contribute their views to the updates of existing work. This way the ICN can ensure that work products remain relevant and reflect the views of ICN’s broad membership.

Just as there is a wide range of work product, implementation may differ from product to product and from working group to working group. For some work products holding a teleseminar may be the best way of dissemination, while others may be very helpful for the organization of a regional or global workshop. For some ICN members the various modules of the ICN Curriculum Project will also prove to be very useful. Working Groups are entirely free to choose the best means of implementing and disseminating their work products.

CONCLUSION

In its first decade the ICN has grown considerably and has produced a multitude of high quality work products that are useful for all ICN members irrespective of their experience. Through a phase of institutional consolidation and evaluation of its past work, the ICN has set the stage for the future. The next few years will now have to focus not only on the creation of new work products but also on the implementation of existing work products. Working Group Chairs and the Steering Group members are fully aware of this challenge and have started discussions to find the best means of implementation.