



The ICN's 12th Annual Conference in 1000 Words or Less

Maria Coppola
US Federal Trade Commission

More than 500 delegates, representing more than 80 competition agencies and other competition experts from around the world, met to discuss key competition issues at the 12th International Competition Network Annual Conference, which was held from April 24 until April 26, 2013 in Warsaw. Mr. Bronislaw Komorowski, the President of Poland, opened the conference.

At the conference, ICN members adopted new work product on economic analysis in merger review, analysis of exclusive dealing arrangements, international cooperation and information sharing in cartel enforcement, investigative processes in competition cases, and competition agency engagement with courts and judges.¹

More generally, the conference showcased the achievements of ICN working groups on advocacy, agency effectiveness, cartels, mergers, and unilateral conduct, as well as recent ICN work in the areas of enforcement cooperation and working with courts and judges.

Highlights from the conference include:

- Investigative tools and transparency were the topic of a panel discussion and report, with at least a few ICN members hopeful that this would be the groundwork for more prescriptive work.
- As part of ICN's virtual university, new training modules on planning and conducting investigations, competition advocacy, and challenges for agencies in developing countries were presented.
- The Cartel Working Group presented a new chapter on international cooperation and information sharing for its Anti-Cartel Enforcement Manual, a reference tool for antitrust agencies on effective investigative techniques.
- In the area of mergers, the annual conference discussions centered on the group's revised handbook chapter on the role of economic evidence in merger analysis, which provides a comprehensive overview of the qualitative and quantitative analyses antitrust agencies may undertake when they review horizontal mergers.

¹ The work product is available here: <http://icnwarsaw2013.org/programme/programme/programme-and-documents/>.

² See the op-ed by Joaquín Almunia and Eduardo Pérez Motta, "The Competition Factor", April 26, 2013, available

- The Advocacy Working Group developed draft guidance on the procedural and analytical aspects of assessing existing or proposed laws and regulations to determine whether they may have a significant impact on competition, as discussed below. The group also presented its work on practical methods and techniques to help promote a competition culture and strategies for explaining the benefits of competition to other government entities.
- The conference hosts, the Polish UOKiK, led a year-long special project devoted to the interaction between competition agencies and courts, culminating in a comparative report and plenary session led by UOKiK President Malgorzata Krasnodebska-Tomkiel on effective decision drafting, presenting economic evidence in competition cases, and competition agency engagement with courts and judges.
- The ICN and OECD work on international enforcement cooperation was presented at the conference, including a discussion of the strengths and limitations of current cooperation frameworks and future work the ICN might undertake.
- Other accomplishments include a new workbook chapter on exclusive dealing arrangements as part of a larger effort to develop a practical guide to the investigation of various types of unilateral conduct, and new chapters on knowledge management and human resources for the Agency Practice Manual.

WHAT'S NEXT?

A New Audience

The ICN will focus resources on addressing a new audience: economic policymakers. ICN Chair Eduardo Pérez Motta said in his opening remarks

If I were to make a single prediction about what we can expect in the upcoming “ICN” year, it is this: The ICN will continue to strengthen its voice and participation in global debates, and through the hard and good work we will do together, competition policy will take its proper place in economic policymaking, as an essential solution to global growth and development.

Pérez Motta made a call to arms for competition agencies to remind their governments that more effective competition and sound competition policy must be part of the solution to make markets work better. These sentiments were echoed by European Commission Vice President Joaquín Almunia, and then reverberated with speaker after speaker.²

Going forward, one way the ICN will promote competition policy is through the dissemination of new work on competition assessment. Members and NGAs at the annual conference considered draft guidance on how an assessment of the competitive effects of proposed and existing regulations should be conducted, and this guidance is likely to be presented for adoption in the form of recommended practices at the 2014 ICN Annual Conference. By advancing principles and practices for conducting competition assessments, the ICN signals to competition agencies and policymakers that these assessments are important.

Recommended Practices

Members and NGAs reiterated support for new Recommended Practices as a top priority area for future work. Competition assessments of proposed and existing regulations are an area ripe for this effort. Other possibilities include international cooperation – this year’s joint work with the OECD specifically recommends developing new prescriptive work on cooperation – and [unilateral conduct](#), possibly predatory pricing.

Getting There

The ICN’s ability to attract member and NGA participation continues to be impressive. In his opening speech at the conference, Pérez Motta noted that including the Warsaw conference, almost 100 member agencies attended an in-person ICN meeting over the past year. Moreover, 70 member agencies and 100 NGAs actively contributed input to inform the reports, guidance, and other work presented in Warsaw.

With this type of deep engagement, the network’s success in realizing its projects is nearly certain. The work will continue under the same leadership, with the ICN

² See the op-ed by Joaquín Almunia and Eduardo Pérez Motta, “The Competition Factor”, April 26, 2013, available here: <http://www.project-syndicate.org/commentary/how-pro-competition-policies-can-boost-economic-recovery-by-joaquin-almunia-and-eduardo-p--motta>.

Steering Group confirmed for the 2013-2015 term and Mr. Pérez Motta re-elected as ICN Chair.³

Stay tuned for the 2014 ICN Conference, which will take place from April 23 until April 25, 2014 in Marrakech, Morocco, followed by Sydney, Australia in 2015.

³ Mr. Eduardo Pérez Motta's closing speech is available here:
<http://internationalcompetitionnetwork.org/uploads/library/doc898.pdf>.