

By Kristina Mulligan
(US Federal Trade Commission)¹



Launched in 2011, the International Competition Network's Training on Demand project (ITOD) sought to meet the need for accessible training materials that competition agencies can use to build their expertise and technical skills. A host of esteemed agency officials, academics, and practitioners volunteered to share their experience and their wisdom on camera. Now seven years on, the ICN has developed a comprehensive set of video training modules and related online materials available around the globe at the click of a mouse.¹

Available on the ICN website, the ITOD project serves as an online educational center for everyone – agency officials, academics and students, practitioners, the business community, and the general public. ICN member agencies are making use of project materials in exciting ways, including training new personnel, explaining competition law to stakeholders, and educating the media.

There are 24 modules covering practical skills and substantive areas of competition law enforcement and policy. The modules use short lectures, discussions, and dramatized vignettes to convey content. Many involve a hypothetical case study or studies. Some have background materials or suggestions for additional reading. The content may be viewed on the ICN's website, or the modules may be downloaded for later viewing, and they are also available on YouTube. Transcripts, some translated into other languages, are available for each module.

The ITOD group develops new content on a continual basis and engages the competition law community in ongoing discussion about how to expand and improve the materials. The group is also exploring the use of new technologies to create a more dynamic interface and enhance the cross-pollination of ideas, experience, and collaboration within the field.

Coming soon are modules on Merger Remedies, Unilateral Conduct, and International Cooperation. The current lineup of video modules is below.

Video Module Content

<u>Introduction to the Project</u> presents a brief description of ITOD project modules and discusses how they may most effectively be used.

Series I Competition Fundamentals

<u>The Origins and Aims of Competition Policy</u> explores the development and content of competition policy and enforcement systems. The presentation provides an overview of the

¹ Kristina M. Mulligan is an attorney in the Office of International Affairs at the Federal Trade Commission.

history of competition law and describes the purposes, goals, and key elements of competition laws.

<u>Major Characteristics of Competition Policy</u> covers the basic characteristics of competition policy systems, including the institutional features and choices that affect the enforcement of competition law systems around the world.

<u>Market Definition</u> explores the role and importance of market definition in competition law investigations, including key elements such as the SSNIP analysis and the information that agencies evaluate to determine antitrust markets.

<u>Market Power</u> addresses the concept of market power, central to the analysis of competition law investigations in unilateral conduct, most concerted practices, and mergers. The video includes an overview of practical techniques and the analytical tools that agencies use to determine if a firm has market power.

<u>Competitive Effects</u> covers the law and economics of competitive effects and presents the elements of an effects-based approach to competition law enforcement. The video includes a hypothetical study of a loyalty rebates scenario to illustrate the principles of an effects-based approach.

<u>Competition Policy in Developing Countries</u> addresses problems specific to competition agencies in developing countries, such as lack of resources and inadequate support for competition policy elsewhere in government or amongst the public. It features two scenarios illustrating common problems and comments from past and present agency heads.

<u>Economic Analysis for Newer Agencies</u> presents an introduction to using quantitative analysis in competition cases. Presented in two parts, the module describes basic concepts in competition economics such as market definition, unilateral and coordinated effects of mergers with a particular focus on how newer competition agencies can conduct effective economic analysis in the absence of the sophisticated tools and data often available in developed jurisdictions.

Series II Horizontal Restraints

<u>Introduction to Cartels</u> explores the definition of a cartel, essential attributes of an effective anti-cartel program, deterrent sanctions, detection, leniency, investigational techniques, transparency, and awareness and outreach.

<u>Leniency</u> introduces the concept of leniency programs for anti-cartel enforcement. The module presents the cornerstones and benefits of an effective leniency program, procedural aspects of a leniency program, and how leniency interacts with sanctions in a cartel enforcement action.

<u>Proving Agreement or Concerted Practice with Indirect Evidence</u> introduces concepts and techniques for establishing the existence of horizontal conduct in the absence of direct evidence.

Series III Dominant Firm Conduct

<u>Predatory Pricing</u> presents the issue of predatory pricing by a dominant firm. Experts discuss the basic elements and the economics of predatory pricing theory and discuss a hypothetical case.

<u>Exclusive Dealing</u> considers the theories of competitive harm and pro-competitive efficiencies from exclusive dealing arrangements and presents an economic framework for assessing their competitive effects under unilateral conduct rules.

Series IV Mergers

<u>Handling Merger Investigations</u> focuses on the practical skills needed to conduct merger investigations, drawing upon concepts from the modules on market definition and market power in the merger context. This module uses a hypothetical merger to demonstrate the practical techniques agencies use to investigate a merger, including how to plan a merger investigation and how to obtain and evaluate relevant evidence.

Series V State Impediments to Competition

<u>Competition Advocacy</u> examines the importance of a competition agency serving as an advocate within government for pro-competitive regulatory policies and explores key attributes of a successful advocacy program.

<u>State Restraints on Competition</u> discusses the importance of competition advocacy as a tool for addressing anticompetitive regulations and policies proposed by other governmental actors. It includes a hypothetical case study, together with suggestions for the design of an effective advocacy program by current and former enforcement officials.

<u>Competition Assessment</u> is a mini-series of short modules that introduces the concept of competition assessment, describes existing recommended practices, and describes the practical application of competition assessments.

Series VI Investigational Techniques

<u>Planning and Conducting Investigations</u> presents the fundamental steps of conducting an investigation of potential competition law violations. The steps discussed include developing a theory of the case, identifying sources of information, interviewing witnesses, requesting documents and data, organizing and assessing evidence, and determining whether there is a violation.

<u>Interviewing Witnesses</u> shares techniques for effective interviewing of witnesses and parties in the course of a competition investigation.

<u>Practicalities in Planning a Dawn Raid</u> is designed for the education of case officers and their supervisors in competition authorities with little practical experience planning and conducting dawn raids such as those with new or previously unexercised dawn raid authority.

Series VII Agency Effectiveness

<u>Project Selection</u> describes a process that an agency can use to choose projects that advance the agency's priorities and maximize its prospects for success.

<u>Advice for New and Young Competition Agencies</u> focuses on bolstering the capacity of new and young competition agencies, including outreach, staff training, and the use of guidelines.

<u>Introduction to International Organizations</u> presents a broad perspective on what international organizations such as the ICN, OECD, UNCTAD, World Bank, and others produce and how their products can be useful to a competition agency.

<u>Short Form Presentations</u> by academics, non-government advisors, and agency officials on resale price maintenance, territorial exclusivity, market inquiries, economics of dominance, predatory pricing, merger remedies, unilateral conduct in merger investigations, and conflicts of interest and confidentiality.

Links:

ICN Training on Demand via the ICN Website
ICN Training on Demand YouTube Channel