



Department of Justice

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INTERNATIONAL COMPETITION NETWORK ADVANCES CONVERGENCE THROUGH INITIATIVES ON ENFORCEMENT COOPERATION AND INVESTIGATIVE PROCESS

WASHINGTON – The International Competition Network (ICN) advanced convergence through important initiatives on international enforcement cooperation and investigative processes in competition cases, the Department of Justice announced today. The ICN adopted new work product on economic analysis in merger review, legal theories in exclusive dealing investigations, international cooperation and information sharing in cartel enforcement, and the benefits of competition.

The 12th annual ICN conference, hosted by Poland’s Office of Competition and Consumer Protection (OCCP), was held on April 24-26, 2013, in Warsaw, Poland. More than 500 delegates participated, representing more than 80 antitrust agencies from around the world, including competition experts from international organizations and the legal, business, consumer and academic communities. Assistant Attorney General Bill Baer of the Department of Justice’s Antitrust Division and Federal Trade Commission (FTC) Chairwoman Edith Ramirez led the U.S. delegation. The conference showcased the achievements of ICN working groups on cartels, competition advocacy, competition agency effectiveness, mergers and unilateral conduct.

“One of the defining characteristics of the ICN is the deep engagement of its members on critical antitrust issues, including mergers, anti-cartel enforcement, unilateral conduct and competition advocacy,” said Assistant Attorney General Baer. “The discussions and work product emerging from this meeting strengthen the ties between U.S. enforcers and our counterparts around the globe and enhance effective antitrust enforcement for the benefit of all consumers.”

Bronislaw Komorowski, the President of Poland, provided opening remarks at the conference. John Fingleton, former Chief Executive of the UK Office of Fair Trading and former ICN Steering Group Chair, moderated a panel on competition and its relevance to global economic policy discussion among representatives from the World Trade Organization, World Bank and International Chamber of Commerce. Joaquin Almunia, European Commission Vice President and Commissioner for Competition, also addressed the conference. Eduardo Pérez Motta, ICN Steering Group Chair and President of the Mexican Federal Competition Commission, spoke about his initiatives to support ICN member competition advocacy and enhance cooperation with international organizations.

Assistant Attorney General Baer moderated a panel of antitrust officials on international enforcement cooperation to discuss the strengths and limitations of current cooperation frameworks. The panel also discussed future ICN work that could best help antitrust agencies address the challenges of engaging effectively in international enforcement cooperation. Over the past year, the ICN partnered with the Organization for Economic Cooperation and Development (OECD)'s Competition Committee on a comprehensive study of the state of international enforcement cooperation. Lynda K. Marshall, Assistant Chief of the Department of Justice's Antitrust Division's Foreign Commerce Section, led a discussion on future work on international cooperation in cartel enforcement.

The Polish OCCP led a special project devoted to the interaction between competition agencies and courts, culminating in a session led by OCCP President Malgorzata Krasnodebska-Tomkiel. FTC Chairwoman Ramirez addressed the vital role of economic evidence in competition cases and offered guidance for how to effectively present this evidence to generalist courts. She also highlighted the various tools available to competition agencies to encourage courts to recognize competition law principles.

“This 12th annual ICN conference demonstrated how competition agencies from around the world can come together both to advance convergence toward best practices in antitrust enforcement and to strengthen the voice of competition policy as our governments confront common economic challenges,” said Chairwoman Ramirez.

The conference also highlighted the work of the Cartel Working Group, co-chaired by the Department of Justice, the Japan Fair Trade Commission and Germany's Bundeskartellamt. The working group brings together antitrust enforcers to address the challenges of anti-cartel enforcement, through the examination of important policy issues and the exchange of effective investigative techniques. The 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.

The Agency Effectiveness Working Group, co-chaired by the FTC, the Mexican Federal Competition Commission and the Norwegian Competition Authority, examines the institutions and procedures that support the enforcement missions of competition agencies. Randolph W. Tritell, Director of the FTC's Office of International Affairs, led a panel discussion and presentation of the group's work related to investigative tools and agency transparency practices, part of a project on investigative processes in competition cases. The working group also presented two new chapters on effective knowledge management and human resources management for its competition agency practice manual.

The conference showcased the ICN Curriculum Project, a project led by the FTC to create a “virtual university” of training materials on competition law and practice. FTC Counsel Paul O'Brien presented the Curriculum Project and its new modules on planning and conducting investigations, competition advocacy and challenges for agencies in developing countries.

The Merger Working Group, co-chaired by the European Commission's Competition Directorate, the Competition Commission of India (CCI) and the Italian Competition Authority aims to promote best practices in the design and operation of merger review regimes. The FTC's Director of the Bureau of Economics, Howard Shelanski, participated in a panel discussion of the role of economic analysis in merger review. The panel highlighted the group's new work addressing the role of economic evidence in merger analysis, a comprehensive overview of the qualitative and quantitative analyses available to antitrust agencies for the review of horizontal mergers.

The Unilateral Conduct Working Group, co-chaired by the Swedish Competition Authority, the Turkish Competition Authority, and the UK Office of Fair Trading, promotes convergence and sound enforcement of laws governing conduct by firms with substantial market power. The working group presented a new workbook chapter on exclusive dealing arrangements as part of a project that is producing a practical guide to the investigation of the various types of unilateral conduct.

The Advocacy Working Group, co-chaired by the French Autorité de la Concurrence, the Portuguese Competition Authority and the Competition Commission of Mauritius, develops practical tools and guidance to improve the effectiveness of ICN members' competition advocacy. This year, the working group developed draft guidance on procedures and analysis for assessing existing or proposed laws and regulations to determine whether they may have a significant impact on competition. The group also presented its work on practical techniques to help promote a competition culture and strategies for explaining the benefits of competition to other government entities.

The ICN was created in October 2001, when the Department of Justice and the FTC joined antitrust agencies from 13 other jurisdictions to increase understanding of competition policy and promote convergence toward best practices around the world. The ICN now includes 126 member agencies from 111 jurisdictions.

ICN documents are available at www.internationalcompetitionnetwork.org.

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