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US Federal Trade Commission

ICN in the Americas

The Americas figure prominently in the International Competition Network (ICN) for 2012. In April 2012 more than 450 delegates gathered in Rio de Janeiro for the 11th annual ICN conference, hosted by the Brazilian Competition Policy System. Participants represented more than 80 antitrust agencies from around the world, and included competition experts from international organisations and the legal, business, consumer and academic communities. The most significant ICN news in the Americas, decided at the Rio conference, was the selection of Eduardo Pérez Motta of the Mexican Federal Competition Commission as the new chair of the ICN Steering Group, replacing John Fingleton of the United Kingdom's Office of Fair Trading. At the conference, Mr Pérez Motta presented his vision statement for the ICN. In addition to pledging to continue the superb work already under way, Mr Pérez Motta outlined three priorities for his tenure: enhanced member engagement, improved assistance to members and greater visibility for competition policy and principles.¹

In addition to the annual conference, several important ICN events are taking place in the Americas. In October 2012 the competition authority in Panama, the Authority of Consumer Protection and Antitrust, will host an ICN cartel workshop, and the Colombian agency, Superintendency of Industry and Commerce, will host an ICN merger workshop in November 2012. This past March, heads of more than 30 competition agencies gathered in Washington, DC, for an ICN roundtable discussion on investigative process.

2012 projects

The Rio conference showcased initiatives from the previous year. Notable new work product includes:

- tools to facilitate cartel awareness and cross-border information sharing, such as a collection of good practices related to member awareness and outreach efforts and a comparative analysis of information sharing mechanisms;
- practice manuals to improve advocacy work, including a market studies good practice handbook and a competition advocacy toolkit;
- chapters for a workbook on the analysis of unilateral conduct, on the objectives of unilateral conduct laws and predatory pricing;
- a framework for cooperation in multijurisdictional mergers;
- a new chapter in the Agency Practice Manual, on effective project delivery; and
- four new interactive training modules for ICN's 'virtual university' project, including a basic course on competitive effects, and modules on leniency programmes, merger analysis and predatory pricing.²

Also at the annual conference the ICN Steering Group introduced, and members approved, three new initiatives on: the investigative process in competition cases, international enforcement cooperation and working with the courts.

Future work

At the Working Group level the ICN has a full year ahead. The ICN's work in the area of mergers will focus on preparing a practical guide on economic analysis in merger review and a framework for enforcement cooperation. In the area of cartels, the ICN will prepare a chapter for the Anti-Cartel Enforcement Manual on international cooperation and information sharing, and will continue to hold experience-sharing webinars on enforcement issues. The Agency Effectiveness project group continues work on the Agency Practice Manual, finalising chapters on knowledge management and human resources, and begins a project on investigative process, including a survey of agency tools and work on transparency and predictability. The unilateral conduct group will create a workbook chapter on exclusive dealing/single branding. In the area of advocacy, the ICN will do a project on promoting a culture of competition as well as a compilation of work on the benefits of competition. The next conference host, the Polish competition authority, will take forward the work on courts as the conference host's special project.

Enhanced member engagement continues to pose a challenge across the network, which has grown from 16 to 123 members in a decade. As articulated in his vision statement, Mr Pérez Motta is committed to ensuring that the ICN's work responds as much as possible to its members' needs. This will require continuing to produce the work products most valued by members, including workshops, recommended practices, and other mechanisms to promote cooperation and convergence.

Mr Pérez Motta is also committed to a growing advocacy role for the ICN with its own members. This represents a significant step forward from the ICN's historically cautious approach in its early years but builds on recent steps in this direction over the past few years. Mr Pérez Motta envisions that, at member request, the ICN will advocate its best practices and other work product in support of domestic reforms.

Finally, the future direction of the ICN is likely to include greater visibility for competition policy and principles in the domestic and international arenas. Recognising that anti-competitive government restraints stifle growth and reduce the welfare of millions across ICN member economies, and that these costs are often borne disproportionately by the poor, Mr Pérez Motta wants the ICN to equip members with tools to promote competition policy at home and for the network to be a voice for competition on a bigger stage.

Notes

* María Coppola is Counsel for International Antitrust at the US Federal Trade Commission. The views expressed here are the author's alone.

1 Mr Pérez Motta's vision statement is available at: www.internationalcompetitionnetwork.org/uploads/library/doc792.pdf.

2 www.internationalcompetitionnetwork.org/uploads/library/doc804.pdf.

About the author

Maria Coppola is counsel for international antitrust at the US Federal Trade Commission. At the FTC, she is responsible for bilateral cooperation with Europe as well as the agency's participation in the International Competition Network. Ms Coppola previously served as staff attorney in the FTC's New York office. She obtained her law degree from Columbia Law School.



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