

# ICN Cartels Working Group

## 2010 – 2011 Work Plan

The Cartel Working Group ('CWG') is co-chaired by the European Commission and the Hungarian Competition Authority. It consists of two subgroups:

- *Subgroup 1: Legal Framework* ('SG1') is co-chaired by the US DoJ and the Brazilian SDE.
- *Subgroup 2: Enforcement Techniques* ('SG2') is co-chaired by the Australian Competition and Consumer Commission and the Canadian Competition Bureau.

### **Subgroup 1 (SG1): Legal Framework**

The Legal Framework subgroup (Subgroup 1) addresses legal and conceptual challenges of anti-cartel enforcement. The focus of the subgroup is examining policy-level issues of the institutional and investigative framework for the detection and punishment of hard-core cartel conduct.

#### ***SG1 Work Plan for 2010-2011:***

##### **Project on cartel awareness and outreach**

The objective of the project is to share member experiences in raising awareness of the prevention, reporting and prosecution of anti-cartel enforcement. The project will explore member practices in areas such as: effective public messages, innovative outreach efforts, training for procurement officials (mindful of recent OECD work on the topic), and partnership initiatives with the private bar and business community.

Illustrative topics for a series of discussion calls:

- Giving businesses the tools to detect cartel conduct within their organization, and as customers, and encouraging businesses to bring cartel conduct to the agency
- Making and using public statements and media to raise awareness of anti-cartel enforcement (statements by agencies, other government officials, the judiciary, etc.)
- Partnership initiatives with government and commercial procurement officials, the business community, and the private bar
- Communicating with, and enlisting the support of, the business community and private bar; how agencies gain perspective and input from the business community and bar
- Innovative anti-cartel awareness programs and events.

The project will seek input from members and NGAs for examples of public messages, materials used in outreach efforts, and effective partnership efforts with the business community.

The focus for SG1 will be on advocacy and outreach related specifically to cartel issues. That focus is different from, although it can be complementary to, any work carried out in the

Advocacy Working Group of the ICN. In so far as necessary, the programs of both the Cartel Working Group and Advocacy Working Group will be aligned.

*Projected Timeline: May 2010 to April 2011*

The initial discussions to decide on what input is available and agreed working methods for the project will be held in May/June. A discussion call series (approximately 1 per month) will take place from September to April. The working group will reassess the results for possible continued work in 2011-2012.

*Deliverables*

Experience sharing discussion calls, for members to present successful examples and discuss practical ideas. The discussion series will include participation of NGAs, particularly for topics on partnering with the business community. Depending on agreed working methods and results, the group contemplates distributing awareness examples, ideas, and materials used by members, including making examples available online, if feasible.

**Subgroup 2 (SG2): Enforcement Techniques**

The Enforcement Techniques subgroup (Subgroup 2) aims to improve the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques and advancing the educative and information sharing agenda of the Cartel Working Group.

***SG2 Work Plan for 2010-2011:***

- **New Chapter for the Anti-Cartel Enforcement Manual on Case Resolution**
  - This would cover the range of actions and outcomes in matters under investigation, including but not limited to alternative case resolutions, settlements and prosecution.
  
- **Develop a Compilation of Good Practices based on the Anti-Cartel Enforcement Manual**
  - This would be a collection of the most important “good practices” identified in the Anti-Cartel Enforcement Manual over the past six years. The Good Practices Summary will be uploaded to the ICN website with a reference and/or link to the full Anti-Cartel Enforcement Manual. The Summary will be updated to reflect changes and additions to good practices in the Cartel Enforcement Manual.
  
- **Panel discussion replicating interesting 2010 Cartel Workshop panel(s) via teleconference**
  - Telephone conference(s) which present the same panel(s) as are presented at the 2010 Cartel Workshop and/or updates to these panel(s).
  
- **Organize the annual ICN Cartel Workshop**
  - Coordinate preparations for the 2010 ICN Cartel Workshop to take place from 5-7 October 2010 in Yokohama, Japan. The proposed theme for the Workshop is "the efficient detection, investigation and punishment of cartel conduct – making the best use of agency resources".
  - During the 2010 Workshop, participants will consider the latest methods, tools and systems for enhancing efficiency, and hear case studies from anti-cartel enforcers on how

make the best use of agency resources. See Annex 3 for the complete 2010 Workshop description

- Plan for the 2011 ICN Cartel Workshop.
- Identify the hosts for the 2012 and 2013 ICN Cartel Workshops.

– **Update the Anti-Cartel Enforcement Templates, complete new Templates**

- As the rules governing anti-cartel enforcement are constantly evolving, the Anti-Cartel Enforcement Templates that summarise the main features of each jurisdiction's rules and procedures (originally compiled in 2005) need to be further updated. It is also necessary to complete Templates for new ICN members.