

RANDY

TRITELL:

Today, the 17th of September, we celebrate National Hero Day in Angola, Malaya in Bangladesh, the Day of Melilla in Spain, Teachers' Day in Honduras, the second day of the Pchum Ben festival in Cambodia, the birthday of the crown prince of Tonga, and the fourth and final day of our 2020 ICN annual conference. On behalf of the Federal Trade Commission and the Department of Justice, welcome back.

Unfortunately, we just missed international chocolate day this past Sunday. But I wish everyone who was celebrating a fine holiday. And I hope you have all been enjoying the conference. Stay with us as we have a terrific set of programs today.

I'm Randy Tritell from the Federal Trade Commission. And we will start with our panel by gazing ahead to the ICN's next decade. Working in a dynamic field, we know that we can't rest on our world's prodigious as they may be in the face of rapidly changing markets and agency needs. Rather, we will take a breath, take a critical look at our past and present, and then work to prepare the network for what lies ahead through our third decade project.

Speaking of the past, those who have heard my panels and past conferences know that my remarks have been sprinkled with a few local proverbs spoken, albeit badly, in the local language. The language part shouldn't be too much of a challenge today. But allow me to mention a few proverbs that relate to the future, drawing from diverse cultures of the world.

Actually, I first came across some wisdom by American science fiction writer John Sladek. He says the future, according to some scientists, will be exactly like the past, only far more expensive. I decided we shouldn't go with that one.

Then, I found this Albanian proverb. "Never think of the future. It comes soon enough."

Actually, I think we'll take a pass on that one, too, and instead, turn to our panelists who indeed give us a glimpse of the future. First, let's hear from our ICN Chair Andreas Mundt about the third decade initiative and its significance for the network. Andreas--

**ANDREAS
MUNDT:**

Yeah, thank you very much, Randy. Well, the ICN was founded on October 25, 2001 in New York City. So I think this is right the time now to make it fit for its third decade. We have set up this project, third decade. Or as an abbreviation, you could say 3D.

It could also be the third dimension. Whatever it means. And it will be a full self-evaluation of the ICN, including the question, do we have the right tools at hand as an organization? Do we have the structure that we need? And do we tackle the topics that our members want us to tackle in the ICN?

It's a large project. The steering group will largely be involved. It will be, to a certain extent, steered by my office, by the chairs office, but also the vice chairs, [INAUDIBLE] will be involved in this, of course. And we look back already to a history of self-evaluation.

The first one who started this exercise was John Fingleton in his capacity as ICN chair. So I'm very glad he's with us today. And we will hear a little bit from him.

It's an inclusive project, which means we need the participation of all ICN members. And it's an important project for three reasons. The first one, the first reason is the ICN is really member driven.

So projects are selected by the members. The work plans are drafted by the members. The structure from time to time needs to be updated.

This is also done by the members. So we really need to know what our members want us to do in this third decade. A second reason is we have a couple of new developments seen in the ICN over the last year. We have a super light structure.

We have a lot of co-chair rotation also in the ICN. And we have new formats. We have implemented the ICN cap. We have new teams. The promotion and implementation team.

We have even a new steering group project, the intersection project that looks at the intersection of competition law, privacy, and consumer protection. We have even new working groups. And we have a growing membership. So I think all these new development makes it healthy to look at ourselves from time to time.

And last but not least, and this is my last point, we have a changing environment. The ICN has been founded under the headline ICN is competition all the time. But we all know, especially we as heads of agencies, that we are not detached from the real life. We are not detached from what is going on around us.

So we also must analyze our environment and see if we need adaptation with regard to a changing environment. Most obvious is the current COVID-19 crisis. We have a lot of state intervention around the globe.

We have to look at digitalisation and what it does to the society and to our work. We have the intersection with other areas of law. We have some burning and pressing issues like sustainability, climate change.

And members will ask us what can we expect from you? What can we expect from the ICN to ask if we want to tackle all these questions, which are not easy to tackle for us as competition agencies. So you can see a lot of change.

We have to evaluate if we are fit for this change as competition agencies and mainly as ICN. And ICN wants to contribute to answer all these questions. And this is why we do this exercise.

RANDY TRITELL:

Thank you, Andreas. Now let's have a look in the rearview mirror, turning to John Fingleton, who as Andreas mentioned, while Chair as the ICN completed its first decade, where the ICN second decade project resulted in important changes and recommendations. John, bearing in mind the Malagasy proverb, "Like the chameleon, one eye on the future, one eye on the past," what can we learn from that exercise that can inform the third decade project?

JOHN FINGLETON:

Thank you, Randy. It's a great pleasure to be involved. And I don't take any offense for being called the rearview mirror. I think there are four things I was going to say.

And the first three of them are bound up in one word, which was inclusiveness. And I think that we had in the first decade a period of what I would call US-EU leadership of ICN. And the US and EU systems are strongly based on law enforcement with a large base of existing law. And they were interested in learning. But they were also very interested in encouraging others to follow their paths and interest in convergence.

But a lot of the newer members of ICN and countries with newer competition laws and countries with developing economies and different sets of economic development had very different needs. And so the USC-U debate didn't apply to them as much because they didn't have-- they had exemptions from competition law and so forth that meant that competition law enforcement wasn't an option.

And so I think a big part of the second decade was inclusiveness of those agencies. And that happened both in terms of strengthening the advocacy working group, but also in trying to have rotating and better engagement in the leadership of the working groups by those agencies. So that was the first point of inclusiveness.

And the second was around NGA participation. And I was very keen to do that as transparently and openly as possible. But I did have a concern about NGA capture, particularly the fact that all of the NGAs seemed to come from the US and the EU. And even those that didn't come from the US or the EU are often educated there or had worked there.

And apart from that geographical bias in the NGA, we also had very little academic involvement and very little consumer representation. And consumer representation is always a difficult issue for international organizations like the ICN. It's a difficult issue for domestic agencies.

But we did a lot to try and improve NGA participation and to try and broaden it, get academics, and consumer groups more involved. And I think that was an important part of trying to make sure that the members of the ICN maintained domestic legitimacy while they discuss these issues internationally. And the third aspect of inclusiveness was about the agency leadership themselves being bound in personally.

If agency leaders are not bound into the project, it's very difficult for the people working with them, and for the NGAs and other people in their domestic country to be closely involved. The agency effectiveness working group played a huge role, I think, in getting agency heads involved because it helped deal with some of the practical issues that they were addressing. So I think those three elements of inclusiveness were the things I would highlight from the second decade.

And then one reflection, which is my fourth point, is I think that after I stood down, I thought that I hadn't done enough to think about the ICN being more outward looking because those were all very inward looking agendas. And I spoke about this at the Warsaw Conference in 2013.

But I did think that one thing we missed was, had the ICN looked out to other aspects of government policy and to the wider policy and government community, or had we been too inward looking, so that would be by one slight regret about the second decade. Thank you very much.

**RANDY
TRITELL:**

Thank you, John. And I'm sure we'll be drawing on that second decade project and indeed on you and your now NGA capacity, as well as our other valuable NGAs out there to help inform our project.

It's important for the ICN to serve the needs of all of its 140 members, many of which are younger agencies. So now I'll ask Alejandra Palacios, president of the Mexican competition authority. Alejandra, from your experience as the ICN vice chair dealing with young agency engagement, what are the unique perspectives and needs of our younger members?

**ALEJANDRA
PALACIOS:**

Sorry. I was muted. Thank you.

It's great having this conversation with you all. The question is important because approximately 46 ICN members are young agencies. So it's almost half of the membership. And the participation of this young agency's, of course, is very important. And we must not forget them.

On the one hand, one of the network objectives is to achieve procedural and practical convergence. And the ICN would be far from reaching this objective if it does not have the capacity to disseminate its knowledge to these young agencies. On the other hand, they do bring fresh and different perspective because they have different challenges and new challenges and different from mature agencies. So they bring in this perspective into the conversations.

And finally, we also know that some mature and intermediate agencies like Mexico, ones where young agencies, and that young agencies face similar challenges in

competition law and enforcement as mature agencies did some while ago. So ICN work products can support them in addressing these challenges. So we need truly to involve them. And one thing that's important is that inclusion of all members is what makes ICN relevant in the network.

RANDY TRITELL:

Thank you, Alelandra for that perspective. I'd like to turn now to Tembi Bonakele, Chairman of the South African Competition Commission. Tembi, based on South Africa's deep involvement in the ICN since its inception, in your experience as an ICN vice chair, we'll be most interested in your perspective on the future of the network. And for extra credit if you wish, you can tie it to an African proverb about the future that teaches he who eats an egg, forgoes a meal of chicken soup. Tembi, come off mute, please.

TEMBINKOSI BONAKELE:

Thank you, Randy. And let me congratulate especially the hosts. It's been a difficult year. But I think you've pulled it through. There's two things that I would want to highlight that I think we may have to look at in the future.

But before I do so, I do also want us to acknowledge the tremendous achievement that has been recorded so far. I think we have been blessed at the ICN to have the kind of volunteerism that we see from member countries. We've also been blessed I think with superb leadership. And that's been consistent throughout the years.

It's a virtual organization. I think it operates almost effectively. So I think that we should send a shout out to the secretariat [INAUDIBLE], for example, as well as our previous [INAUDIBLE] chairs, who have put a lot of their own agency resources to it.

I think that the two things I would like to mention-- the first one is the ICN is not a political organization or structure. And that is true and correct.

But it also operates in a political environment, an economic environment. And I think that the global economy has shifted quite a lot in the past decades only. And we do need to start thinking about how we grow into the ICN sector of influence everybody.

So countries like China, for example, I think we need to think about how they approach [INAUDIBLE]. There is also a lot of countries in Africa. Nigeria, for example, is a fast growing emerging economy in the continent.

It's just adopted competition law after a long period of time of disagreements within that country about the best pathway forward for economic development. So I think that all of those emerging countries in different regions of the world are going to be very, very important as we move forward. In the future, I think I see a much more diverse ICN.

John has already indicated that in the beginning, naturally, Europe and the US were the centerpiece of this. And that is understandable. And I think we still need them to play the leadership role here.

But I think we need much more deliberate agenda to be inclusive. In other words, different inclusiveness that John has spoken about, not just in terms of composition, but also in terms of our agenda. I think that more and more we are going to have to grapple with how competition law interfaces with developing countries stages of development.

And our competition law plays a role in development itself. And lastly, I think that there is a measure that we are grappling with. It is still a challenge. I think it is going to be a bigger challenge. And that is a digital economy.

And my interest in this, again, is from a developing country perspective is whether, really, different measures of digital economies is going to help narrow the gap of economic disparity in the world, or it is going to widen them. And I think Competition Commission is going to play a huge role in that. So those are my initial thoughts. Thank you very much.

RANDY

TRITELL:

Thank you, Tembi. I think you've mentioned some points that are going to loom large in our review. And I hope the digital focus of this conference will help stimulate some thought about the relevance of the digital economy to the future of the ICN.

We'll now turn to our final panelist, the head of the Portuguese Competition Authority, Margarida Matos Rosa. Margarida, as co-chair of the ICN's Promotion and Implementation Group and the network's liaison to the OECD Competition Committee, what topics do you see as most important for the third decade review?

MARGARIDA

Randy, adding to the very available points that were made just before me, I, if I

MATOS ROSA: have to choose one topic, then I would say this. We have just witnessed a drastic economic dip in the past five to six months, and one that could continue for a few more unfortunately. So our main challenge as a community, competition, or antitrust community of enforcers, lawyers, academia will be to actually reach out beyond our circle and be convincing enough about the benefits of a strong competition policy, including in the preparation of the recovery.

And this effort should be directed at society as a whole, but also at policymakers who actually may implement our recommendations, and also at those who believe that it's better to shield markets from competitive pressure and explain to all these areas why our economies should maintain a strong competition policy. Over the two decades, these two past decades, the ICN has proven to be a key driver for international cooperation on competition matters and much beyond that as well.

Its next step could be one that fosters a stronger understanding of the benefits of competition, not just in our inner circle, but well beyond it. And I see you can use critical opportunity to reach out by ourselves with the support of the work developed by the ICN and possibly pulling synergies with other organizations so as to promote a robust and fit-for-purpose competition policy. Thank you.

RANDY TRITELL: Thank you, Margarida. Time is short. Let me turn the virtual floor over to Andreas in case he has any closing thoughts on the Third Decade Project.

ANDREAS MUNDT: Randy, when I became the chairman of the ICN steering group, I had a headline for what I wanted to do with the ICN. And it was three-fold. It was focus, impact, and inclusiveness.

Focus means we should do the right things and concentrate on issues that are important for the members. Impact means we do not do all this on its own behalf. But we do this because we really want to make competition and the outcome of competition better. And inclusiveness meant to include really all members of the ICN and not leave it to a few big ones to steer the direction of it.

In a way, this is always-- and this is still true. And this is what the Third Decade Project is for. It is that we have a better focus, that we have a better impact, and that we are really inclusive as regards the participation of our members.

So this is what we want to do. And please everyone, feel encouraged to be part of this exercise-- be it as a member, be it as an NGA. We welcome every good idea. We can get it during this exercise. And in the end, ICN will be better.

RANDY

TRITELL:

Thanks to you, Andreas. And thanks to all our panelists for this glimpse into the future. The FTC looks forward to co-leading this exciting project with the Bundeskartellamt and the Netherlands Competition Authority. I'll just leave you with one last bit of wisdom.

This from George Friedman, author of *The Next Decade-- What the World Will Look Like*. He notes that a century is about events. A decade is about people.

It's indeed people who will shape the ICN's future. And those people are you. Whether you are an agency official, one of our valued non-governmental advisors, or anyone with an interest in the future of competition policy, share your unique perspectives and your creative ideas with us. So together we can prepare the blueprint that will launch the ICN into its exciting new decade.

Thanks again to all our panelists. Thanks to all of you for your attention. And enjoy the rest of the conference. Stay right with us for our next session on NGA involvement led by the president of the French Competition Authority Isabelle de Silva. Bye bye.

TEMBINKOSI

BONAKELE:

Bye bye.

ISABELLE DE

SILVA:

Good morning, good afternoon, good evening to all of you. I'm very pleased to share this NGA engagement session. As you know, NGAs are a very special part of the ICN. They are the nongovernmental advisors that make the ICN so special because the ICN is not only about agencies and forces, but also about all the practitioners who take their time, contribute and be an integral part of the ICN.

So today we have like we had in every ICN conference, an NGA engagement session. And that is-- the session is really about trying to find new ways to better the NGA engagement because the NGAs are really what makes ICN such a precious forum for antitrust. As you may know, NGAs are very diverse.

You may have lawyers, economist. You may have some academics. You may also

have some judges who have this opportunity to participate in the work of the ICN. We have many hundreds of NGAs, who participate all during the year through our works, but also participating in the east conference and every other year.

The subject of today is really to discuss how we make further and better NGA engagement. And one of the work that we have been doing this year has been a new NGA toolkit. So what was the purpose of this document that you may find on the ICN website? We thought it was useful to abate this practical guide to agencies about how to recruit NGAs. How to explain to them how the ICN works, and also how to make it entertaining and useful for NGAs to participate in the work of the ICN.

So this tool kit, for which I really thank all the engineers who participated and made it better, is about how we will be able, hopefully, even more today and tomorrow, to further the relationship between the NGAs and the ICN. One of the things that Dina is going to show and explain to us in a moment is that we may find innovative ways to recruit NGAs and to make their engagement even more worthwhile during the year.

So now it is my very great pleasure to present the fantastic panel we have today. It is an all woman panel. So maybe a womanel and not manel. I would like to thank very deeply the three NGAs who accepted to participate in this discussion today.

First of all, we will have Dina Kallay. Dina is head of competition at Erikson. And prior to that, she was a council for intellectual property and international antitrust of the US FTC. And she practiced extensively antitrust and IP law in a number of law firms. Before that, she was also at the [INAUDIBLE] camp in Brussels.

We also have then Koren Wong-Ervin. She is a partner with the law firm Axinn. And she also previously served at the US FTC as a counsel for IP and International Antitrust.

She was also the attorney advisor to Commissioner Joshua Wright. And she is a frequent speaker and author. She also testified before Congress on domestic and international antitrust issues. And something to note, she also trained a great number of judges and competition forces on antitrust law and economics.

And finally, we will have the participation of Ingrid Vandenborre. She is a partner

with the law firm Skadden, and she also has a very significant and vast experience in European Union competition law, both in antitrust and merger matters, including some very big cases before the European Commission and national European competition authorities.

And she also finds the time to have a great number of publications. So today the program is the following. First Dina will make a presentation of this NGA toolkit and tell us all about what you can find inside. Then Koren and Ingrid will share their thoughts on what is the role of an NGA from their perspective.

And I'm really hoping that this session will give you the idea maybe to become an NGA if you are not one already. So, Dina, I will give you the floor for your first presentation of the tool kit. Thank you very much.

DINA KALLAY: [SPEAKING FRENCH], Isabella. I should say [INAUDIBLE]. I have some slides to present. So if they could please be put up. Perfect, thank you very much.

So I thought it'd be interesting to just share with you a little bit what the updated NGA toolkit looks like. So that's what I'm going to present. So as you know well, or should become more aware, the ICN has a unique public private partnership structure. And that is working together to develop better standards and better procedures and competition enforcement and competition policy.

And I think they're working together-- the phrase there should be the one to be highlighted, because I guess as we've all recently become more aware during times of coronavirus, we're also all in this together when it comes to competition enforcement. It's true that competition and agencies and NGAs perhaps come at it from different angles.

So for agencies, it's competition enforcement. For the NGAs, it's competition compliance. But the goal is really unified at improving better adherence with competition alone. And that's why I think agencies and the private sector out there, as well as judges, can only benefit from better procedures and better standards that the ICN promotes.

So here on the slide you can see the list of how the NGA engagement adds value to the ICN. It offers a variety of perspectives, one that is different from the agency's

perspective. And as you know, a multiplicity of views enriches the work product.

We know that from ICN, multiplicity of agencies. But also having additional stakeholders developing the work product makes it better and stronger. Engaging NGAs enhances the relevance and practicality of the ICN work. It augments the limited resources of agencies.

As you know, all the agencies have limited resources. And it's not easy to get a lot of people to give you time to work on ICN. So I think it's an important way to augment the work power of developing ICN work product. It increases the dissemination of visibility of ICN work products.

You can think of NGAs, really, as the PR agency for ICN work product, which is important. The more people know about ICN work product, the more useful it is. And finally, NGAs expand the network of ICN.

And I know something about networks from the other day job. And of course, the broader the network, the better the coverage always. So I think of the N in NGAs to stand for network. It's not only for non.

If we could please move to the next slide, it should be slide number three. Or sorry, the one that starts with ICN member agency. So ICN member agencies of all sizes are encouraged to use NGAs. And I mentioned that because I think in the past, smaller and younger agencies have been a little more hesitant to use them even though I think they have even more to gain because they're resources are more limited.

So NGAs of all-- sorry. Agencies of all sizes are encouraged to engage NGAs. Younger agencies and small economy agencies are welcome to do so. It also can be useful to increase diversity of the NGA body in terms of professional background, gender balance. As you can see, our panel took this very seriously, age groups, and also to have judges and academics, in addition to law firms and private practitioners.

So what are the ways in which NGAs can increase their NGA base and their interaction with NGAs I think engagement would be competition. Bar community is key and very helpful. Joint events with bar associations, trade associations, et

cetera in an ICN context are useful. I noticed that our virtual reception was hosted by the American Bar Association. And that's an example of, again, a partnering with a private sector in that sense.

If we can move to the next slide, please. So a sustained dialogue between the agencies under NGA maximizes the benefits of NGA engagement. And we have recommendations that you can see on slide of how to better work with NGAs. I won't read all of them in the interest of time.

But an orientation for new NGAs is helpful so that they know what is going on. And then making sure that the working group chairs have all the correct emails of NGAs. And I know it's a lot of work. So we are all grateful to the secretariat for keeping these emails updated.

If I can move to the last slide, please. Thank you. So just to conclude, I think NGAs are an asset to the ICN.

Remember that we're all in this together. So you should not think of NGAs as the stepchildren of the ICN but as really partners in making it more successful. NGAs, therefore, obviously, I think agencies should seek opportunities to involve NGAs to maintain a sustained dialogue with them and to use them to expand the network of the ICN. And with that, I give it back to our moderator who is also the lead ICN NGA liason, Isabelle. Thank you.

ISABELLE DE SILVA: Thank you very much, Dina, for this great presentation. Very effective. Maybe I was thinking before moving on to Koren, you could remind us of how long you've been an NGA with the ICN and why did you choose to become an NGA.

DINA KALLAY: Sure, well, I've been an NGA I guess-- I became an NGA five minutes after I left the agency. So seven years since 2013.

I chose to be an NGA-- well, I mean, that's a bit of a personal angle. But I'm just passionate about international antitrust. I think in a global world, it's really important that we try to improve convergence in competition law, soft convergence, but still to the extent we can.

So I really think it's a way to help the world become a better place for antitrust. That's why I chose to become an NGA. Thank you.

ISABELLE DE

SILVA:

Thank you, Dina. And I think I really liked the comment that you made about how the NGA make the work product better because you have really the point of view not only of the agency but also of the person on the other side of the table in the company or in the law firm or economic firm. And the second point, that is very important because when we work in the work products in the ICN, we put on a lot of effort. But of course, those work products are made to be useful to everyone.

So through the NGA network, they really are being used and being very key to having the ICN work spread. So now I will move to Koren. And I would like to ask you from your point of view, maybe you can also tell us how long you've been an NGA.

What do you see as being the benefits of the NGAs to the ICN? Do you have maybe some personal experiences you might like to share? And how do you think agencies might use NGA as well? Because as Dina mentioned, the NGAs give of their limited time to participate in the ICN. And they have other lives with their family and with their work. So it must also be something that they feel to be useful. So the floor is yours, Koren.

KOREN WONG-

ERVIN:

Great. Thank you so much for including me. And thank you to the ICN. I think my remarks might be kind of short because Dina covered so much that I really agree with and echo. So to begin with your first question, I, first, was introduced to the ICN about nine years ago when Randy Tritell told me about it. And Randy, in his typical fashion, was very modest, Did. Not tell me about the critical role he played in the formulation of ICN, but he did tell me about the importance of the ICN work, about the importance of, as Dina mentioned, the soft law and convergence, and just the discussion, having the international dialogue, and also the critical role that NGAs play.

So some of the work I've done-- Randy immediately introduced me to Cynthia and also Liz Krauss, and Paul O'Brien, and others. And Cynthia got me involved in a workshop helping to draft hypotheticals. So that's one role that NGAs can play is helping in workshops, to behind the scenes create the program, and then also facilitate the workshops, or conferences, or webinars.

Then, I joined the FTC and I got to learn more about the ICN from an agency

perspective. When I left the agency, since then, I've been an NGA and gotten to be involved in a number of projects, including the due process documents, and most recently, responding to the survey on assessing dominance in digital platforms. And it's been very rewarding to have a voice. Of course, it's consensus-based, and so one person's views don't always win out, or a group of people, but it's very rewarding to have a voice and really feel like you're heard.

When the survey, the report was done on the survey responses, I saw many of the points that I had made and perhaps others had also made, and it really made it feel like a worthwhile experience. I had written that survey response. I think I submitted about 20 pages because I had a lot to say and I worked on it over the Christmas holidays, because I, like Dina, felt very passionate about it, and that it's important to take the opportunity I was given to have a voice.

So to your second question in terms of the importance of NGAs, Bill Kovacic has noted that, as compared to other networks, the ICN really provides, probably, a unique opportunity to really have engagement for ICNs and work in part-- I mean, with NGAs and work in partnership with them to really give them a voice in deliberations, in creating documents, and how indispensable that is. And so I think that, and Dina covered some of these, NGAs can provide some perspective that maybe individual agencies would not be in a position to know.

So for example, the difficulties of balancing or juggling merger timing across various jurisdictions, or the complications or difficulties with information requests. So in my experience, when I was at the FTC, I really saw how the FTC and DOJ have an open door policy and really encouraged companies and the private bar to come in and share their experience, their practical, on-the-ground experience of due process, of complying with laws. Most companies we talked to really want to comply with antitrust laws. But as we know with unilateral conduct, it can be very difficult to comply.

The courts have said, in the US at least, very difficult to distinguish between anti and pro-competitive conduct. It's not as clear as things like price fixing. So really having that dialogue and understanding from the parties on the ground. I think that, in the US, we really have this relationship with the private bar. There is a lot of credibility and trust.

Dina mentioned the ABA. I think because of close work through things like ABA and ICN, there's a credibility. And I think that allows, when you're in a case, to really hone in and get to what the issues are, because you know the other person some, you experience their work, and there's a credibility. And I think it allows you to get to the issues quicker.

And so I think for some agencies, perhaps newer ones or others that don't have the same opportunities to work closely and are not in a tight community, many of us in DC or in the US are close friends. I've spent Thanksgivings, and Christmases, or New Years with friends in the competition community. And so I think the ICN is an opportunity to build those relationships to see firsthand who the person is. And many NGAs are really seeking, like Dina said, to further the mission of ICN and what's best for the competition community.

When I trained foreign enforcers, when I was at the Global Antitrust Institute, along with other-- with Judge Ginsburg, and Josh Wright, and others-- I did hear some enforcers expressed some skepticism. Why should we work with or listen to parties, especially companies, they have their own agenda. And so they're trying to limit the authority of agencies and make standards that are better for companies.

But I think that I've really seen that, yes, people, when they're being an NGA in ICN, they're really wearing their NGA ICN hat and thinking about the consensus and what's best for all. Yes, I, many people know, have strong views on antitrust. And I do share those when I feel like they're supported by empirical evidence. But I really understand where other people are coming from and working together.

So I'll talk a little bit about-- and the last thing I'll just say about that is my experience at the FTC, even if you feel like parties that may have their own agenda, I really felt like there's no harm in listening. And in fact, like I said, sometimes I heard things that I had never thought of, or ways that we could both meet our goals and interests by making changes that I hadn't thought of that maybe the companies or private sector suggested. And at the very least, it helped me to understand the other side and sort of hone my own position.

So the role of NGA, as I mentioned before, over time they've really played an important role in the deliberations and the creation of work product in the ICN. And

so it's important to remember, like Dina said, we're volunteers. But we're here to help because we believe in the mission of the ICN. So please, use us.

Help us think of creative ways to use us. Some of the ways we've been used in the past are to do initial drafts of documents, to be active parts of editing calls, to help spread the word about ICN work product and help with implementation. So not only to help with workshops and conferences, but to really partner and do some of the work. NGAs maybe at law firms, they have more resources. Associates that really, really want to help, paralegals, people who can do more research, so please use us.

And the last thing I'll just say briefly is a little bit about going forward. So in the United States, the US agencies don't limit the number of NGAs, and we have hundreds of them. And I think it's important to have an open membership to really allow a diversity of views. How important it is to not only have diversity in terms of economists, attorneys, and academics, especially academics who can provide cutting-edge recent research that they're doing, whether empirical, or modeling, or just deep, deep thought as part of their job about some of the challenges we're facing.

But it's also important to have that diversity of views. And so not just hand picking NGAs, but also you know having an open so that you could have more diversity of views. The other thing that I think for going forward is that I really support efforts to continue to be more outward-looking, to have the ICN as an external advocate. So I know the ICN has done this some in the past with advocacy letters to legislatures when the domestic agency supports it, public statements, such as during the financial crisis or the recent one during this pandemic that really advocate for competition, and for competition concerns to be considered in other economic and social policy issues. And also having a seat at the table at economic fora to really be able to voice the competition advocacy. And with that, I'll stop there.

**ISABELLE DE
SILVA:**

Thanks a lot, Koren. That was really very fascinating content, and I wanted to say how I share your view about how helpful NGAs are in giving another perspective. And then the example that you gave is really spot on. I'm thinking about the mergers when you have to notify in 50 different countries on jurisdiction, and the challenges that this raises for lawyers, companies, and this is really something that we need to hear in the agencies.

And the other example that you gave that is really a very good one is the request for information. We know that sometimes the case teams they want to know everything that there ever was under the sun about a market or a company. And this creates a burden, especially if you have a time limit to give your answer. So I think this is really a very good example of the discussion, and when you, maybe, you understand better why the enforcer has such longer request for information, but also, enforcers can change the way to do it and think back to about how they do it.

So I think that there are some other points maybe I will come back to the general debate. And a very important point that you raised about how to build trust so that agencies really are willing to engage in this debate and not fear the point of view or the presence of the NGAs to discuss and prepare [INAUDIBLE] products. So I will now turn to Ingrid, and maybe ask you, Ingrid, how do you think we might get more NGAs onboard?

Because I think that we want to have as much diversity as possible, maybe also attract young practitioners and newcomers to the table. And maybe, from your point of view, what could be done to better organize and structure NGA engagement? Because as we know, ICN has two different moments. We have the annual conference, which is fantastic, when we can meet, and take a cup of coffee, and have lunch, and meet a lot of new people, and you have the rest of the year where the discussion go on through the internet, through video, or audio conference. And it's a bit different because then you have to work on some papers, you have to take time off for this, and maybe it might not be always so attractive or easy to have this engagement. So you need to have a stimulus for this engagement. So now we give the floor to you, Ingrid.

INGRID

Thank you very much, Isabelle. Thank you for having me. I'm very excited to be **VANDENBORRE:** able to join in the discussion and the dialogue. I must say, I may be the most junior on the NGA panel here. I joined three years ago on the NGA efforts, and my first real work was on a panel at the tel Aviv workshop a couple of years ago.

And as actually somebody on the commission recommended, they say, you should really reach out because we need more diversity in some of the working groups.

And so I think we arrived, or maybe not fully arrived, but we're improving on the diversity as far as I can tell. Just to start to address the questions, and the first on onboarding, I think agencies can use two different types of approaches, and maybe they can even be used in combination.

So both reaching out by advertising, the fact that the agency is looking for NGAs, and you may want to set out which profile of NGA you're particularly interested in. Maybe specific levels of expertise, maybe a certain profile of the attorneys, whether it's in-house in certain industries or as private practitioners with certain expertise. NGAs should, and I think it would be helpful if it's clear what NGA supports an agency is looking for and how they would assess, and how many NGAs they would they would need to support their organization.

It may also be that NGAs will approach the agency, as is, in fact, with what I did in hearing about the diversity and feeling strongly about that. But certainly those should be assessed as well. And I think it's a current one, which I fully agree with, they have an open membership and an open NGA team that builds more interest and are able to participate and able to contribute because I think that's maybe the important point to make there, which I think is about-- you referenced it's a contribution you have to make. But it's not really a position that you have as an NGA. You should know, and I think in onboarding an NGA, it should be clear that it's a contribution that's expected to the working materials and the discussions that take place in the ICN.

Now, having gone through onboarding, advertising, and then self-initiative reach out, I think an agency should really consider what type of NGA roles they have, whether they're looking for a large group, a small group maybe in certain areas, and really think about that as you on board NGAs. Maybe also to think about whether you want rotations or maybe rotations of expertise, so that you have a senior NGA as it were and a more junior NGA team where the more senior NGA team is really already well-versed in the workings of your institutions and how you engage in the context of the ICN.

Whereas, newly-onboarded NGAs may want to just participate, and, in the first period, see how the workings develop and kind of be able to assess where they can best contribute from seeing some of the workings and from the other NGAs in the

team. So a rotation may be very helpful to allow this process of onboarding to be very effective. And then it allows you also to refresh in a way the inputs that you're getting from the NGA community by not having the same NGA group for, say, five or 10 years always contributing, but to really make sure you have fresh inputs and fresh ideas also about what's living in the industries in the markets with companies, but also maybe with academics or economic studies that you refresh that kind of input. So I think, from the onboarding perspective, that's really a helpful way to think about it both in terms of looking for profiles, but also think about sequencing your groups of NGAs or organization of the NGAs that work with your institution.

In terms of structuring that engagement, I do think it's good to have working groups on specific topics. So with the European Commission, for example, we do look at specific topics around webinars, around the annual events to say, let's make a group on this topic. Let's make a group on that topic and allocate who will contribute and who does what within that group. And so I think that's a very helpful way to structure the engagement with, for example, interim frames for circulating draft material, and maybe one of the NGAs to take on the leadership of work products or maybe, too, to have a dual role perhaps so that it's easier to carry forward and more structured as well.

I think particularly-- and I think it has been discussed during the conference this week-- that there are a lot of new developments in industries. All of the agencies are looking at how to deal with new economies, new business models. We also are going through still an economic crisis and a pandemic. And I think there is revisiting on many instances about what that means. Many agencies are looking for information or want to structure all the information they are receiving in a way that allows them to effectively work that in and take it into account.

And so I think particularly now, I heard that many agencies are saying, we are sort of tapping into our officials' resource. We find talent where it was hidden, and we repurpose groups in sectors where they weren't really active. And I think certainly NGAs can contribute. Many have maybe worked with companies in these industries; maybe have been working for companies that have a platform business model; have dealt with algorithm pricing; have dealt with issues from a in-house or a practitioner role.

And so certainly in these new areas, I think that's an area where particularly NGAs can be very helpful. And I'll just say, from the NGA perspective, I think there is a lot of willingness and excitement about being able to contribute to an overall better understanding of these issues. I think for myself-- and I think it does go further NGAs as well-- there's a value to seeing, as Koren also mentioned, all of the perspectives, not just and also be able to communicate, but also communicated backwards to companies and to the agency in the most effective way with these new business models and new economies.

And I think NGAs, senior and junior, welcome that experience building, expertise building that will ultimately benefit a broader understanding and development because I think even-- if I see within our practice-- attorneys would love to contribute to research through organizing their expertise-- do want to contribute to that and be able to have some exposure to how agencies think about these things. Often when you spend a long time in a practice with a company or as a, private practitioner, it becomes very valuable to see how an agency thinks about things outside of the context of a specific case, because it gives you a lot more opportunity to brainstorm and to consider different possibilities when you're not tied to a specific enforcement scenario and to really bring expertise together. So I think many NGAs welcome it and have resources that they can contribute. So with that, I'll pause. I'll leave it there. I'm happy to go into the discussion section as well.

**ISABELLE DE
SILVA:**

Thank you very much and great. I think you made excellent points. Maybe some comments on some of the points that you made. I think one important question is, how do you renew the team of NGAs that you have? And another point was, how big should a team be? Do you need to have a good mix between younger practitioners and more senior practitioners, and how to recruit them?

This is one of the things that is a bit new in the AGA Toolkit. We encourage agencies to spread the word because some agencies actually do not have a formal public process to recruit NGAs. And to give you, or example, of what we did in France-- when we had to renew the NGAs, we would put the word out online for the social networks to have an open call for candidates. And it was very useful to receive a great number of applications. And I salute the French NGAs if they watch us now.

Another point that you made is how do you keep the relation with the NGA during

the year? And I was thinking maybe, I don't know, Ingrid, if you want to comment on that. Do you feel that you received enough information about the ICN during a year? Would you like to have more relationship with your mother agency? Or is that enough?

Because that's often a question that we ask, should we tell our NGAs about such and such a development? Or do they have enough information to manage every day? And so maybe I don't know if you want to comment on it. Do we have the right to balance between associating the NGAs in what we do and leaving them to do the other things they have to do also?

INGRID

From my perspective, I think more information is good because I think sometimes

VANDENBORRE:

an agency may underestimate certain things that may not be clear or obvious when you're sitting inside an agency. Certain workings you may think they are very obvious and therefore don't need to be detailed. But certainly, things like timelines for working programs and steps in the process of how you anticipate bringing in the inputs of the NGA, what you expect at certain points in time. And maybe tell them to prioritize. This is more important than that. We see that coming down the line.

I think NGAs would benefit I think also from a lot of transparency. I think there's less worry about overwhelming. I don't know if Koren and Dina feel a little different. I think there's not a great risk of overwhelming. It allows NGAs to better plan and to allow the agency also I think to make sure they have the right NGA resources for all of their work streams by really making clear here are all of the elements where we need inputs on and here's our timing. So I think more communication is much better, from my perspective, at least.

ISABELLE DE

Thank you, Ingrid. So we are now getting almost to the end of the panel. So maybe some last remarks and questions. I think that an important issue that was raised by Koren was the trust. When you are in AGA, you participate through the ICN conferences or work groups, but not as a practitioner.

SILVA:

And for example, when you go to the conference there was a sort of gentlemen's agreement that you would not take advantage to talk about your own case at home. And this is more about antitrust general, antitrust issue. So I think maybe one of the messages we can put forward is that there is this special

relationship between AGAs and agencies in ICN.

And another good point that was raised this afternoon was that ICN can do a lot about advocacy, about antitrust. And it was good to remind us that during the pandemic there was a special ICN message to all the agencies and the general public that antitrust could be managed in relation with the pandemic, but should still remain a priority even though the COVID crisis could lead to certain ways of taking it into account and have some form of collective conduct without it being illegal. And so I think that another thing that was quite useful-- maybe we haven't talked about it-- is maybe to use also a lawyer association or economist association to spread the word.

And I think that the NGAs have a very special role in terms of telling why they like it, but maybe if they don't like it, to tell the agencies what they could do better. And also we are always ready to hear how we can do things better because it's not always perfect. And I think that I'm really pleased to have heard you three seeming very happy with this NGA engagement. I'm hoping that this will give maybe some people the idea to try and become a NGA in the future.

So maybe now I will ask all of you if you want, to have a final comment or reaction to what you heard this afternoon. And then I think we can wrap up the session. So Dina, I will give the floor to you if you want to comment on what you heard, and then if you have one more message to give us today.

DINA KALLAY: Thank you very much. I think I'll do the one more message. And that is just in thinking about the third decade of ICN and where I think NGAs can help in important themes to grow into. I think a very important area is the guidance on compliance and compliance programs. I think that's something the ICN could have a huge advantage in getting into both in terms of the guidance-- how to structure a good program.

And then to the extent some agencies are believing that also guidance on when and how to give credit for compliance programs. Unlike the agencies, we're not funded by the government. We don't want to have a budget. So in order to convince our hierarchy to give us the budget for a compliance program, I think it would be extremely helpful for the ICN to provide guidance on compliance because that will

signal how important compliance is. So that's just a thought on NGA thought for third decade of ICN. Thank you.

ISABELLE DE SILVA: Thank you, Dina. I think this is really something that is a very good idea we should work on because this is something I also hear from the French counterparts. And I think the ICN can be really instrumental in passing on this matrix. So Koren, do you want to give us some final thoughts or message?

KOREN WONG-ERVIN: Sure. I'll just say thank you to all the agencies that I know that really value the work of NGAs and work in partnership with them then. And I hope agencies that haven't tried it yet will. If there's anyone listening that is interested in being an NGA, my contact information is on the web. Please feel free to reach out to me. I'll share my experience, which has been a fantastic one.

ISABELLE DE SILVA: Thank you, Koren. And maybe the last word to you, Ingrid. And I can tell you that we received a remark from someone who wanted to become an NGA during this session. So I hope that we will have given many the will to join us. So, Ingrid?

INGRID: So I think maybe one of the mentioned associations as a good way to advertise. But certainly, bar associations are a perfect way to organize if there's a need for NGAs by some agency because they're international sometimes. Like, International bar associations or regional bar associations can certainly help with that. I think, otherwise, maybe, my thoughts sort of looking forward to NGA collaboration and ICN, I really say international engagement has never been more important.

And I think NGAs sure that I want to cooperate with that in a way they can be an important bridge to markets' participation and contribution, industry contribution, to the development of the ICN's workings. I can help facilitate that contribution. So it's not a abstract governmental collaboration, but it can feed off inputs that can come via industry. And I hope that NGAs can help bridge that, as I said, outside the context of a case because I think that's what sometimes make things more difficult.

But the ICN really allows for a platform where that collaboration can really take place. And I think the NGAs can be a real contributing factor to that. So I'll end with that.

ISABELLE DE SILVA: Thank you so much, Ingrid. And I want to thank this fantastic panel today. It was a

SILVA: real pleasure to have this discussion with you. I want to thank also the DOJ and the FTC and my own team in Paris for organizing this.

And maybe my final message is that ICN is about being a community. And I think that the NGA engagement is really the proof of this very special type of engagement that we have. It's not only about being a lawyer, an economic in-house counsel, but really about liking antitrust as a goal and sharing this common objective to make it better.

So I think this is really something. And also to meet some nice friends from all the different countries and jurisdiction. So thanks a lot to you. And I hope to see you soon. Thank you so much.

INGRID: Thank you.

ISABELLE DE Thank you, bye.

SILVA:

ALEJANDRA Good morning and welcome to The Young Agency Session for the 2020 ICN Annual
PALACIOS: Conference. It's a pleasure for me to meet you virtually in this virtual environment. I want to express my admiration and gratitude to Joan Simmons from the US FTC and to Makan Delrahim from the US DOJ for hosting this ever-first ICN annual conference virtually. And of course, thank you for all FTC and US DOJ team.

To start the session, I want to present the panelists. We have today with us Mariana Castro. Mariano's president of Costa Rica's Commission for the Promotion of Competition. We have Amabelle Asuncion. She is Commissioner for the Philippine Competition Commission.

We have Aurélie Zoude-Le Berre. She is president of the New Caledonia Competition Authority. We have Marcus Bezzi. Marcus is executive general manager of the ACC-- that's the Australia Competition Agency. We have Andrés Barretto, who is superintendent of Colombian Superintendents of Industry and Commerce.

We have Alexandre Barreto. He is president of Brazil's CADE. And we have Paul O'Brien who is ICN coordinator at the US FTC. So thank you very much for all of you for participating in this panel and also for working with professor in this pilot project

called The Project.

This project was born as a way to promote inclusiveness of younger competition agencies in the ICN and also to tackle the challenges that young agencies have that prevent them from having a full participation within the network. The Bridging Project was launched last December. As I said, it's a pilot. And what we wanted is to establish special partnerships between members of the ICN Steering Group and young and small agencies to help them identify opportunities for greater participation and their involvement in ICN activities.

The pilot started with 11 agencies that volunteered to participate. Four Steering Group members-- Australia, Brazil, Colombia, and Mexico-- paired with seven young agencies-- Costa Rica, Dominican Republic, Ecuador, New Caledonia, Nicaragua, Peru, and Philippines. The pairing consisted taking into account different aspects. For example, that both agencies pairing had the same language to avoid language barriers, also regional location to better coordinate communications, again, and across time zones, and also existing relationship, because if you have trust, it's easier to have a better communication.

In July of 2022, six months after the pilot, a survey was carried out to evaluate the progress of this program. And participants evaluated the pilot as a successful and useful program because it has helped young agencies have firsthand knowledge from Steering Group members on ICN matters. Going ahead, what we want to do is, of course, continue working with agencies correctly involved in the project. We want to invite other agencies not necessary currently part of The Steering Group, but willing and eager to help and guide other young agencies to better engage in the ICN.

We want to encourage Steering Group members to share more widely their experience with other young agencies. And of course, we want to continue with the promotion of the synergies of this Bridging Project with all other ICN initiatives. Everything that has been done so far in this pilot of this Bridging Project is summarized in a report. That will be submitted to The Steering Group approval soon. And after that, it will be made public.

For now, I want to turn the floor to some of the agencies currently participating in

the pilot of this project. And first, what we will do is that we will hear from the young agencies who will share their experiences implementing this ICN Bridging Project initiative. So I give the floor to Mariana.

MARIANA

CASTRO:

Thank you, Alejandra As you know, Costa Rica very recently passed a new competition law reform, which entirely amends the Costa Rican regulatory framework for competition law in line with best international practices. We believe that the most significant contribution of this Bridging Project to COPROCOM is that COPROCOM would better implement and enforce this new law, thus benefiting all Costa Rican citizens.

Furthermore, considering that the law strengthens the agency's independence budget and enforcement powers, we are now able to actively participate within the ICN and better engage with other agencies. We aim to rebuild a technically sound authority in order to have the necessary credibility within our society. This will allow the positions and opinions of the authority to fund the necessary changes to promote competition in the markets and benefit consumers. COPROCOM is currently following a comprehensive implementation plan of the law based on three pillars-- regulatory strengthening, [AUDIO OUT] enforcement, and effective application of competition rules.

The participation within the ICN represents incredible opportunity for COPROCOM to receive guidance and advice and to relearn and update its knowledge with ICN's available tools, projects, workshops, activities, as well as other aides that the network provides. And the ICN, COPROCOM has the opportunity to share experiences, exchange knowledge, and jointly seek solutions to common and global problems faced by competition authorities. In essence, the ICN's Bridging Project has been particularly helpful for COPROCOM because first, it has allowed us to re-engage with the organization with added confidence. The fact that we are attending hand in hand with COFECE as our ally or big brother, so to speak, allows us to get involved more and more effectively with the ICN.

ALEJANDRA

PALACIOS:

Thank you, Mariana. It's--

MARIANA

Second, it has--

CASTRO:

ALEJANDRA Sorry, sorry, please finish.

PALACIOS:

MARIANA Don't worry. Second, it has provided much-appreciated information regarding the tools, documents, papers, as well as other resources available for the agencies. Since our participation began, our staff has analyzed several cases, taking consideration the working papers provided by ICN. And third, with the help of COFECE, we now have a vision and a plan regarding our involvement inside the ICN.

CASTRO:

We look forward to becoming eventually a hopefully not-so-small agency that actively participates, engages, and contributes to the ICN's discussion and workshops with our experience. We are very grateful for the support. And we're hopeful for this new stage that is now beginning. Thank you.

ALEJANDRA Thank you, Marianna. It's wonderful to listen to all you have to say. And now I will turn the floor to Philippine. Annabelle mentioned in the survey that thanks to The Bridging Project, the agency has been reacquainted with the ICN. Mariana has just said that it has reengaged with the ICN. So I think the project is being successful.

PALACIOS:

And Philippine also mentions that the ICN has been very useful and significant in light of the corporate pandemic. So Amabelle, I turn the floor to you. And can you tell us a little bit about this new acquaintance with the ICN?

AMABELLE Thank you. So first of all, I'd like to thank ICN for organizing this panel and The Bridging Project itself. As a young agency, PCC looks to best practices for guidance in its approach to specific issues and challenges in the performance of its work. And of course, the ICN provides a wealth of resources that could help us. However, this web of material can also be quite intimidating for a young agency like the PCC.

ASUNCION:

If I compare it as an analogy to a recipe book, the ICN is like a huge thick recipe book that contains all the recipes from all over the world with ingredients also coming from all parts of the world. And as a new cook, just going through that thick book could be quite daunting. And you don't know which one is easy to try for the first time, and you don't know which ingredients can also be found in your local market if there are any local equivalents to these ingredients.

And so in that sense, The Bridging Project is like a guidebook. It's like a how to use this huge recipe book in order for us to maximize the use of this book. And with an added invitation, I might say, for us to also submit our own recipes for the future editions of this recipe book.

To this end, the briefing on the ICN working group and the ongoing projects was a very good start for us. It helped us identify areas of interest where we either wish to acquire more-- enrich or knowledge, or those areas where we would like to take a more leadership role in the future. So far, we have identified key areas relevant to the times. So these would include agency effectiveness during COVID-19, merger review, crisis cartels, unilateral conduct, and vertical restraints. We believe these areas will be critical in the next two years.

In this context, our partner, SGM, the ACC with whom we have a very good relationship in the past three or four years, has been very helpful in connecting us to the relevant working groups in order for us to participate in their activities. So we're actually looking forward to a couple of webinars on the various topics relating to COVID-19.

In addition, the ACC has also been very generous in accommodating in sharing their materials and inputs with us. We had sessions on big data in which the markets we're in-- our enforcement office had a chance to ask about strategies, enforcement strategies, to meet the challenges brought about by a pandemic. They also shared with us their initiatives on [INAUDIBLE], as well as the formulation of a COVID task force within ACC.

Also, through The Bridging Project, we discovered some, shall I say, special recipes in keeping with the analogy. For instance, the ICN papers on the role of competition policy during difficult economic times was very useful in the recalibration of our enforcement and advocacy work. In relation to this, we launched our COVID-19 enforcement page.

And we designed our advocacy framework where the thrust now has shifted from a near leasing of awareness in the general manner to ensuring that competition policy remains relevant in the national recovery plan. A proposal or a recipe that we are working on and like to submit for the ICNs consideration is the competition

clinic. This aims to be an avenue through which YSAs can interact with more agencies, in addition, to their assigned partner SGM.

In keeping with the ICN structures of having five working groups, competition clinics will also capitalize on the specialization of certain SGMs or members of the ICN, wherein YSAs can touch base and ask questions as they perform their work and also provide an avenue for YSAs themselves to interact.

So overall, this project really is commendable. And we are very grateful to be able to participate in this project. And PCC is keen on adopting a gradual but steady progress from a participation-orientated involvement to a leadership role in ICN activities. Thank you.

**ALEJANDRA
PALACIOS:**

I'm sorry. I was muted. Thank you, Amabelle. I find it wonderful how you described this Bridging Project as a recipe book because, of course, ICN has tons of work. And the idea is to help younger agencies to find those working projects that are needed at that moment for young agencies.

And now I will turn to Aurélie from the New Caledonia Competition Authority. Aurélie, what would you say are the benefits for your agency regarding this bridging project?

**AURÉLIE
ZOUDE-LE
BERRE:**

Thank you, Alejandra, for your question. For the Competition Authority of New Caledonia is a very young and small competition authority which was created in 2018. And we are participating in the ICN since 2018, thanks to the support of French Competition Authority. And I was very pleased to head down the plenary session in Cartagena for the first time last year.

From my point of view, The Bridging Project is an excellent opportunity for young agencies to share their experiences with members of The Steering Group, as we have started to do regularly with the ACC on different topics like COVID-19, or on the communication sector because we are interested in this sector in New Caledonia.

But I think it could be also very interesting to share our experience with other young and smart competition authority within the ICN. Indeed, I am sure that a young and small competition authority share common issues both organization or

management of a new authority and in the handling of cases on the merits. So I would be very interested in to share with a new competition authority and small competition authority how they do, for example, implement competition law in their territory because it could be new for this territory to know competition law.

I would actually know so if young competition authority have strong political support or not from their government. For example, how do companies in the country understand the role of the new competition authority, and how they understand the competition law? So I think that it would also be very fascinating to know in which sector the young competition authority first started to work and for what reason.

And so I have very, very many-- a lot of question. And I think The Bridging Project could permit us to meet each other and to exchange views among our difficulties and our challenges. Consequently, The Bridging Project would benefit from putting young and small agencies in contact with each other. It goes through webinars, for example, are through the creation of a specific network of young and more competition agencies within the ICN it serve.

And in the same way, I am very supportive of the proposal of our colleagues in Philippines to establish competition Phoenix to give young and small entities like ours the opportunity to reach out not only to our seven-group member partner, but also to other ICN members who could be designated as specialists in certain areas of competition law, and who may be willing to offer their knowledge on this given area. In any case, I am very delighted to participate in this project and to meet today the other young authorities have agreed to participate too. And I would like to know what they think of these proposals. And I would like to invite also the other young competition authority to join us in this project. Thank you.

**ALEJANDRA
PALACIOS:**

Thank you, Aurélie, very much. You have a lot of questions, and we need to keep on working on this project. The next point in our agenda is to hear from some student group members who have been partnering with young agencies, sharing their experience and guiding young agencies around the ICN. So first of all, I will give the floor to Marcus Bezzi from the Australian ACC.

ACC has been working with young agencies in the region for a long time. And

Australia said that it was interesting for them to participate in this project because they wanted to leverage the experience of an expertise gained from well-established relationships so that we could learn from their previous work in this region project. So tell us, Marcus, how has your experience been with this region project?

MARCUS BEZZI: Thank you, Alejandra. So you're right. We have had experience over a long period now working with a number of agencies, particularly within the Asia-Pacific region building capacity. About six or seven years ago, we formalized that work through a program called the CLIP program, the Competition Law Implementation Program. And that was a very good initiative because it helped us to organize our work in a more strategic way.

It's also a program that's funded by the Australian and New Zealand governments as part of the free trade agreement between ASEAN and Australia and New Zealand. So it's got of both strategy and resources which is a recipe for success. The other aspect that has been very, very important in the CLIP program-- and if I could draw on Amabelle's analogy of the recipe book-- is that CLIP has been about saying to the ASEAN member states, you choose the recipes.

In fact, if you want us to come up with some new recipes particularly suit your needs, we will work with you to do that. But you're the driver. You're the chef, and we're the provider of the recipes of the ways forward that can help you build your capacity. But it's very much for you to make the choices and to be in control.

And we think that's a very important foundation for The Bridging Project. And we see that element of the CLIP work, which I should say has been successful. Just to give you a bit of a dimension of it, we've had about 120 capacity building activities since 2014 and delivered programs to 1,500 number of participants across Southeast Asia. So it's a modest program, but it's a reasonably large modest program if I can put it that way.

The Bridging Project has been a continuation of that in the sense that we're focusing on capacity building, on sharing our experiences, but doing it in a way that addresses the needs all of the Philippines and New Caledonia. We feel that all this capacity building work helps us to build people-to-people connections right across

our region. And we think that people-to-people connections are really important in building agency networks. Agencies are just collections of people. And if we can have strong people-to-people connections, then in the long term, we will have strong networks between our agencies.

We also find that there are tremendous advantages for us in The Bridging Project and NGA part of capacity-building work. It's freshening up our staff. It helps them to get a deeper understanding of their own work and having a perspective, which is the perspective of a new agency that comes into their work, helps them get a much deeper understanding of what they're doing. And often, we find that very experienced investigators who've gone off to do some work with CLIP or with one of the other agencies comes back with really fresh insights and innovative ways of working. And that strengthens our agency.

So just in concluding, what I would say, Alejandra, is that as a mature agency, we recognize that there are significant benefits in developing new regional relationships. And The Bridging Project has allowed us to leverage our experience and expertise really for the benefit of the ICN as a whole. Thank you.

ALEJANDRA PALACIOS: Thank you, Marcus. It's great to listen to what you say in terms of why it is important for mature agencies to get involved with younger agencies. And if you do that within the framework of the ICN, it's like a win-win situation for everybody-- at your agency--

MARCUS BEZZI: Absolutely.

ALEJANDRA PALACIOS: --young agencies and the network.

MARCUS BEZZI: Very much so.

ALEJANDRA PALACIOS: Thank you. So now I will go back to the American continent. And we'll hear from Andrés Barreto from Colombia. Andrés and la Superintendencia have paired and are helping our agency friend from Nicaragua's ProCompetencia. And Andrés, I would also like to listen to whatever you want to share regarding this pairing experience, and also a little bit of what's your view in terms of what Marcus said on why and how would you recommend other mature agencies, Steering Group

members also, to follow this line and partner to help us improve the outcome of this project.

**ANDRÉS
BARRETO:**

Thank you. Thank you very much, Alejandra. Indeed, the superintendents is working with ProCompetencia from Nicaragua in order to try to bring an experience, an American experience, as you stated, of a mature at a young agency in order to try to get this experience in participating more deeply into the ICN and getting in touch with other fellow agencies in the continent in order to gain more experience.

So what we're doing or what we are working on is to make younger agencies understand that despite the fact that some cases may appear, new and challenging, there are precisely new tools and many work products that the ICN has disposed in order to allow the sharing of management and theoretical views in order to have transitional scope the work of the agencies, and even the cases which is very important. Secondly, the ICN products reflect realities that allow young agencies in order to gain experience and are not solely designed for mature experiences. So we have a good mixture between old and new and young and experienced agencies in the continent and all through the ICN.

And this helps us to better understand their needs and what will they need to achieve success in order to implement, for instance, best practices, better regulatory frameworks, sharpen their investigative tools, or even share information in cross-border investigations. In many cases, teaching someone that has what has been learned through the path that has been taken by the other agencies is the much more efficient way in order for them to gain experience and for us to try to see if, in practice, the path that we have chosen or that we have been traveling through has been successful.

And in doing these sessions that we have been having with Nicaragua, we've been aware that the path that we have traveled on the extraordinary amount of information that the ICN here has created has been for profound help for us, for instance, in Colombia, not only through the ICN, but through the OECD, but in order to sharpen our investigations and to try to bring Nicaragua closer to those tools and in order to try to enforce better investigations and maybe try to push forward in gaining access to other organizations. So without a doubt, we, in Colombia, and

through the work that we have done with Nicaragua, recommend to the other members of The Steering Group to be part of this project since this will allow them to value what we have done on what the ICN needs doing, but, of course, to try to peer review their own work in order to see what we are implementing in the agency.

It's affordable in the agency perspective. It's useful for their own realities, but to give us their perspective as young agencies in maybe what we need to sharpen for more mature agencies and many new subjects that can be considered. In despite of whatever is happening, there political realities. I think competition is something that bring us together and is very important. So we firmly support the project. And we are very glad to help Nicaragua and other fellow young agencies with our experience on our recently-gained access to the OCD. Thank you so much, Alejandra.

**ALEJANDRA
PALACIOS:**

Sorry, I'm muted. Thank you, Andrés, very much. And now I will turn to Alexandre Barreto in CADE Brazil. Alexandre, CADE has mentioned that one of its institutional priorities is for distant [AUDIO OUT] creating good practices in America, in Latin America. So I suppose the Bridging Project is aligned with that institutional priority. Can you tell us about the synergies between the institutional priorities and your work in The Bridging Project pilot please?

**ALEXANDRE
BARRETO:**

Thank you. Thank you, Alejandra. First of all, let me say that's a great pleasure to be part of the session, which will certainly help to promote inclusiveness and openness at the ICN. Well, indeed, CADE has an excellent and extensive track record of cooperation with competition agencies all around the world, but especially in Latin America. The promotion of good practices in our region has been one of our priorities and has been included in our strategic plan as of 2017.

We have been cooperating with Latin American agencies, for instance, by organizing capacity-building activities in Argentina, Costa Rica, Paraguay, Republican Dominica, and Peru. We are also actively involved in several initiatives aimed at fostering discussions related to topics of common interest to Latin American agencies.

Our motivation to take part in The Bridging Project is based on our belief that

younger agencies from Latin America have much to contribute to the ICN, considering their welfare of experience. At the same time, the active engagement of these agencies in the ICN could help promote the improvement of practices and procedures in their countries.

All things considered, including its potential spillover effect, we understand that the main goals of the project are in line with CADE's strategic goal of fostering best practices in Latin America. Talking specifically in the context of the project, CADE already had well-established cooperation ties with the Peru's National Institute for the face of competition and intellectual property or [INAUDIBLE] copy, even before we were paired them under The Bridging Project.

But of course, the interaction between our officials were more straightforward because of these previous longstanding relationships, which allowed us to focus on practical initiatives for systems in engaging with the ICN. During our first contact under the project, we focused on sharing CADE's success story with the ICN, and how it has contributed to the adoption of more effective practices and procedures in Brazil. Then, we discussed specific expectations and needs of in the CADE in order to identify how we could better help them achieve their goals with the network.

Based on these discussions, we shared information about ICN's work products that are in line with the COFECE's requirements. Furthermore, we introduced their team to the co-chair of the working groups, which lead the projects that are more interesting to them. We have also include them in a project that CADE's coordinating with the merger working group, which is the series of regional webinars, merger control in terms of crisis.

We really hope that the discussions will help in the COFECE with regards to a topic of particular interest to them. That is the feeling from the fence. Well, the cooperation between CADE and the COFECE under The Bridging Project is still in progress. However, we have already received positive feedback from them about these additional channel of communication, and hope we can continue to support Peru to becoming more and more active at the ICN. This kind of positive evaluation is a sign that The Bridging project is going in the right direction in our opinion.

As for the second part of your question, Alejandra, I would say that the opportunities such as this session encourage more agencies to get involved in the project. I hope that the many available experiences sharing today can inspire more ICN member to join us. I believe that other actions that could help strengthen the project would be inviting more agencies that are not members of the [INAUDIBLE] group, but are active participants of the ICN to share their stories with younger agencies. Moreover, I would suggest that we organize face-to-face meetings with the members of The Bridging Project, taking full advantage of the opportunities offered by ICN's many events whenever these circumstances allow us to meet in person again.

Finally, I would like to finish by congratulating you, Alejandra, for the important initiatives you have been leading as vice and chair for young agencies and regional diversity. I extend my greetings to COFECE as well as the [INAUDIBLE] team for the time and effort invested in The Bridging Project. I have no doubt that the project is of foremost importance to help the ICN achieve its objectives. The ICN and the younger agencies shall, with no doubt, benefit from the more inclusive and diverse network. Thank you, Alejandra.

**ALEJANDRA
PALACIOS:**

Thank you, Alexandre. You're very kind and very generous. And we will, of course, take your recommendations into account as we go further with this project. And finally, to close this part or this section of the session we have today, I would like to turn over the floor to Paul O'Brien, will share with us a perspective on the future of The Bridging Project and also how this Bridging Project can be relevant with other initiatives regarding the ICN, specifically The Third Decade Project. Paul, the floor is yours.

PAUL O'BRIEN:

Thank you, Alejandra. Well, I have a spoiler alert. Next year, the ICN turns 20. Now, while that wasn't much of a spoiler-- I get that-- but it will be a great moment for celebration and certainly a great moment for self-assessment across the network. And that's what I'm here to tell you a little bit about today.

You may have heard a little bit earlier one of our sessions on the idea of the Third Decade Project or 3D as we're calling it-- the network-wide exercise looking at the tools rules and topics in the ICN. Our tools are everything from the website to our workshops to things like The Bridging Project.

Our rules are essentially a light structure in which ICN operates. And of course, topics are what the ICNs addressing and how it does through various types of ICN work products. So if you're an agency or an NGA listening today, what can you do? Well, first and foremost, you can answer the 3D survey to be circulating in a couple of weeks.

Sure, you'll look at it, and it'll be 10 pages long, lots of questions. But I really hope you look at it and say, this is full of exciting opportunities to add my voice to this project. You can join The Bridging Project, reach out to COFECE, a get more involved in the great interaction you've heard about today. And then third, you can follow the 3D Project discussions along over the course of the next year.

We're planning to have open calls for interested participants. So you can help us work through all the great input we're hopefully going to get in this project. With the FTC, along with our co-chairs at the Dutch ACM and the German Bundeskartellamt are encouraging, especially encouraging, new and younger agency members to be a part of the 3D Project. Yesterday, the encouragement we heard that we're all younger agencies in a sense when it comes to dealing with the digital economy. Likewise, we're all going to enter into the ICN's next decade, next year, together. We're all shareholders in the ICN'S future.

So bottom line, look for that survey in the coming weeks. It'll come from the secretariat. Maybe you'll see it in the newsletter. If not, reach out to your friendly co-chairs of the project. Reach out to Alejandra's great group at COFECE as vice chair. Reach out to the ICN chair, the secretariat, anybody you can. But please find a way to make sure your input is part of the 3D mission over the next year.

Alejandra, thank you so much for including me in this session. It's so great to hear these stories of engagement across ICN. It really is ICN at its best.

**ALEJANDRA
PALACIOS:**

Thank you, Paul. And now I would like to give the floor to Russ Damtoft. I didn't present Russ as part of the panel, although he is with us today. And Russ works at the US FTC. And he's in charge of international liaisons of FTC with Latin America and among other things. And he has an important message for us regarding the ICN training and demand.

As I mentioned before, it is important for this Bridging Project to have synergies

with other ICN initiatives. And the training on demand is an ideal example of how young agencies can better make use of the networks of working projects. And so I give the floor to Russ. The floor is yours, Russ.

**RUSSELL
DAMTOFT:**

Thank you very much, Alejandra. The ICN Training On Demand Project was designed to fill a crucial gap for the ICN, which is how can we best, share the experience and techniques of the ICN and its member agencies with agency staff members, especially those from newer agencies that don't have a lot of years enforcing the competition law? So about 10 years ago, the ICN set out to produce a set of training modules on competition law and policy.

Some cover competition law fundamentals like market power and competitive effects. Others address specific conduct like cartels and mergers. Still, others focus on practical skills such as planning investigations and interviewing witnesses. Thus far we've produced about 30 modules, and more are being made every year. Many of the people who are on this panel have participated in some of these.

The modules can all be found on the ICN website under Training. We also have a YouTube channel if that works better for you. They're free and available to anyone. Now, we know that English is not everyone's mother tongue, so we have transcripts of every module not only in English, but, in some cases, in Spanish, thanks to COFECE, and in French as well. We encourage you to use them. And importantly, let us know how we can improve them.

When we asked that question last year in Cartagena, one thing we heard was that users would really welcome having some kind of recognition for having trained with the ITOD modules. We responded by creating a certificate program. Modules are grouped into series, and certificates are available for agency staff who view an entire series. The certificates are signed by the head of the ICN Steering Group and the head of the agency, which is responsible for issuing the certificates.

Today, I am proud to announce our first certificate to be awarded. It will go to Giannina Cordoba of Costa Rica's COPROCOM, who viewed ITOD series three on Dominant for Conduct. I would like to virtually hand the first certificate, which has already been signed by Andres Mundt on behalf of the ICN to Mariana Castro, president of COPROCOM, who you've already met. Mariana, the floor is yours to

present the first ITOD certificate.

**MARIANA
CASTRO:**

Thank you, Russell. First of all, I want to thank the ICN, as well as the FCC and COFECE for allowing COPROCOM to participate in this project. The training on the Man Project is a very effective tool for a small agency such as COPROCOM since it allows or agency's officials to continually and virtually train up competition topics.

This is very important for us, particularly nowadays, considering COPROCOM's new integral legal reform, which I mentioned [AUDIO OUT] This tool will facilitate the training of the new personnel the agency is going to hire in the upcoming months. In this occasion, our economist, Giannina Cordoba, who is here with us today, took the Dominant Firm Conduct series and let me speak on her behalf, was extremely satisfied with the experience and the knowledge she gained from the models.

As president of COPROCOM, let me think again the ICN, the FTC, and COFECE, as we hope this is the first of many certificates of achievement yet to come. Last, but definitely not least, let me sign this and congratulate Giannina and hand heard the phrase ICN Training On Demand certificate of achievement. Giannina.

**GIANNIA
CORDOBA:**

Thank you very much, Mariana, as well as all the authorities, part of the ICN, and particularly, COFECE for giving us the opportunity to improve our knowledge and skills for this project. The Dominant Firm Conduct series was very useful for me, since, at the agency, we constantly receive complaints from consumers or undertakings concerning predatory pricing or vertical restraints. Therefore, for a young agency like ours, it is very important to have the appropriate tools that allow us to carry out a better and more accurate analysis of those kind of cases. So thank you all very much.

**RUSSELL
DAMTOFT:**

Thank you. Back to you, Alejandra.

**ALEJANDRA
PALACIOS:**

Thank you. Well, thank you very much, Russ. Congratulations to Giannina and to Mariana. And once again, thank you to all the panelists for joining us today. We've heard very interesting issues regarding your experience in the-- Can you see me? I'm sorry.

I was saying that it was very enriching to hear your experiences regarding The

Bridging Project. And of course, we will keep on working on inclusiveness in the ICN as we work on The Third Decade Project. So thank you very much. And with this, we end the session. Bye-bye.

GRAEME

Thank you. Welcome to the Chief Economist session of the ICN Annual Conference.

WOODBIDGE:

My name is Graeme Woodbridge. I'm the chief economist at the Australian Competition and Consumer Commission. I'll be moderating this session.

We have a great lineup of panelists. We have Ng Ea Kia, who is the assistant chief executive, policy business and economics at the Competition and Consumer Commission of Singapore. We have Vicente Lagos, who is the chief economist at the National Economic Prosecutor's office in Chile. We have Andrew Sweeting, who's the director of the Bureau of Economics at the US federal Trade Commission. And we have Fiona Scott Morton who is the Theodore Nuremberg Professor of Economics at the Yale University School of Management. Welcome to the panelists.

The brief for the sessions discuss some economic issues in the assessments of mergers in digital markets. To provide some context for the discussion, Vicente will commence by outlining a recent merger matter that was assessed by the National Competition Authority in Chile. This merger involve multi-sided platforms in food and grocery delivery services.

And this will be followed by a discussion of three [AUDIO OUT] issues that were central to the assessment of the competitive effects of the merger, one-day market definition, in particular, dealing with single-sided businesses and multi-sided platforms. Another one is assessing the loss of potential competition. And the third topic is the role of indirect effects and multi-harming in assessing the competitive analysis, particularly assessing the effect of the merger on the likelihood of foreclosure.

We planed the session to leave time of questions. So if you have any questions, please send through by email to the email addresses listed at the bottom of the webcast screen. You can send a question through at any time. So welcome, Vicente and over to you.

VICENTE

Thank you, Graeme. Well first of all, I would like to thank you all for having invited

LAGOS:

me to participate in this panel. And as Graeme said, I'll be briefly discussing a case we had in Chile recently. So I guess the slides are already on.

So this is the competition assessment of that decision of Cornershop, which is our grocery delivery platform by Uber in Chile. This is the first-ever assessment of a merger between platforms in our country. So this is why this is an interesting case for us. And next slide, please.

So a short overview of the case. As I said, this is the decision of Uber-- sorry-- that decision of Cornershop by Uber. These are two multi-sided platforms. Specifically Uber Eats is a somewhat decided platform connecting restaurants, delivery people, and final consumers.

And Cornershop is a multi-sided platform in the grocery delivery market, connecting supermarket shoppers and final consumers. The main two theories of harm we saw in this case are basically a horizontal theory of harm related to the elimination of a potential entrant on a conglomerate theory of harm that relates to the theoretical possibility of hosts using loyalty programs to leverage a strong market position from one market to another. And next slide, please.

So as Graeme said, there's some futures of digital markets, of course, to this case. And today, we will be shortly discussing three of them. So as it was already said, one of them is market definition and the evaluation of whether platforms and one-sided alternatives might be considered or not as part of the same relevant market.

The second one is the horizontal effect, which is the removal of potential competition, which is a typical horizontal effect in mergers in digital markets. And finally, the dynamic component linked to the role of indirect network effect in potentially amplifying the effects of certain conducts. And next slide, please.

So regarding the first point of market definition, whether platforms, in this case, grocery delivery platforms and one-sided online alternatives that are basically the direct channels, direct on online channels of supermarkets given by their websites and their apps and mobile phone apps, the first characteristic of this market is that there was a lot of differentiation between the different alternatives. So for instance, Cornershop had some features that differentiated itself from the rest of the alternatives in the market. So for instance, there was this feature that is highly

valued by consumer, which is that you can keep direct contact with the person, with your personal shopper, basically.

Then a second feature is that the shopping on Cornershop basically has an high average ticket size or basket size. And this is given that the interface of Cornershop is for better quality and allows for more products to be displayed and more variety, basically, on these compared to other platforms. And also, Cornershop has lower delivery times, which is linked to the fact that Cornershop has a point-to-point delivery system. So compared to supermarket basically, it has a shorter delivery times.

However, for the case, we consider that the service provided by Cornershop on the alternatives provided by supermarkets, the supermarket direct channels, were part of the same relevant market because of pieces of evidence basically. One of them was that the results of a consumer survey in which most of the consumer replied that in the absence of Cornershop, in the market, basically they could maybe switch the services provided by supermarkets-- either their online services or going directly to the brick and mortar grocery stores.

And also, a second important part of the investigation is that in the middle of the case, we have this, with COVID-19 currently in some lockdowns. And this kind of was built for as a sort of not to run experiments. So we had this sudden increase in demand for online services. And what we saw is that supermarkets started investing in making their services better [INAUDIBLE]. Next slide, please.

So I wanted to just briefly show you this graph that I prepared that you can see on the left hand side of the slide which shows the positioning of the different alternatives. So on the y-axis, you have the average basket size in Chilean pesos. And on the x-axis, you have the delivery time.

As you can see from the different position positioning of the alternatives in the market, you have Cornershop in the middle there. And the closest competitor the corner shop is Jumbo, which is a supermarket chain. So in that regard, this kind of confirm our hypothesis that these type of services might be considered as part of the same relevant market, which is confirmed by them by the graph that is displayed on the right hand side of the slide, which shows the evolution of the

volume [INAUDIBLE] basically.

Or you can see the red line is Cornershop, and the green line is Jumbo. And then you see that these are like the two more important options in the market, basically. They're the first and the second one in the market. So basically for these reasons and some other reasons we concluded that the relevant market, in this case, we can consider the platforms, but also their one-sided alternatives provided by supermarkets. Next slide, please.

In terms of the theory of harm, that I told you, the elimination of a potential entrant, this risk was given by the fact that Uber has shown some interest in the past to enter as an independent competitor to Cornershop. So basically what we did was to carry out two-steps assessment. So the first step was to evaluate to which extent it was likely or not that Uber would enter this market as an independent competitor. And we had enough evidence to say, yes.

The second step of the assessment was to evaluate, OK, with which positioning Uber would enter the market. And then to all to ask ourselves whether the other existing alternatives in the market would exert sufficient competitive pressure with the merged firm. Again, I had this graph here. You see that Uber would have entered with a positioning, which is similar to the other platforms, so the platforms that do restaurant delivery and grocery delivery.

And that it was planning in the long run to move towards opposition in that it was more similar to the one of Cornershop. However, we had that there are other options in the market, especially in the supermarket chains that also had plans to move themselves to what position in that was more similar to Cornershop, especially because they were heavily investing in reducing their delivery times.

And also we saw that supermarkets have some competitive advantages compared to a pure 100% platform. Basically, the supermarkets, they controlled their inventory themselves. They also negotiate directly with suppliers, and they have large scales. So this allows them to get larger discounts for instance. And also, they have this very widespread loyalty programs, which connect offline and online sales. And this is an important feature considering that online sales represent only a small fraction of the total market. Sorry, next slide please.

Finally, and in terms of the dynamic component linked to indirect network effects, the idea here was basically that any strategy that a competitor could implement in order to increase the cost of arrival in one side of the platform market, this is going to have an impact also on the other sides of the platform markets. So this basically generate kind of a spiral effect that is driven by the indirect network effect. So what we did here is in order to assess this feature of the market, whether this was a risk or not, we wanted to evaluate whether actually indirect network effects in the grocery delivery platforms was indeed important or not.

And what we saw at that there was not necessarily a positive correlation between the platform sales or the side of the platforms and the number of supermarket chains that would be on board of each platform. And intuitively, we said, OK, what could explain this is that the supermarket actually, they do not have an interested-- they do not benefit from having a platform that is too large because basically a too large platform, a monopoly platform, for instance, could a start, for instance, negotiated directly with suppliers and become a direct intermediary between suppliers and consumers.

And in that sense, it can become a direct competitor of supermarkets. So in that sense, that good and be in the interest of supermarkets to have a too concentrated platform market. And some of other elements that we also consider for this-- so we said that the likelihood of tipping of the market in this case was not so high because of other characteristics. For instance, the existence of multihoming by consumers; the future of extended product differentiation in the market; and also the fact that there exists some capacity constraints that are linked to basically the logistics of having these delivery systems. And that's it. Next slide, please.

So I finish with this. And in the last slide, I left some links where you can go to the decision of the Chilean Competition Authority. Then there is also a nice paper there. And the paper by [? Holcomb ?] that shows some of these analysis of tipping on the market that we saw it was very useful. Thank you.

RUSSELL

DAMTOFT:

Thanks, Vicente. We'll talk about market definition first. So Andrew, as noted by Vicente, The National Competition Authority included supermarkets and delivery services in the same market as the multi-sided grocery delivery platforms. What's your thoughts on this and the constraints that supermarkets' own delivery service

might lie in markets like these?

**ANDREW
SWEETING:**

Thanks, Graeme. And thanks to Vicente and the rest of the panel and ICN for organizing this. Before I begin, I should give the usual disclaimer that I'm participating today in my personal capacity, not as a representative of the FTC. And the views expressed are my own and not necessarily those of the commission or any individual commissioner.

So as Vicente kind of highlighted, kind of the interesting or one of the interesting choices here was that the decision to include kind of two-sided platforms such as Cornershop in the same market as kind of supermarkets' own delivery services. And from the point of view of an economist who's trying to evaluate the competitive constraints, this makes a great deal of sense, particularly in light of the evidence that the authority gathered. So if we think about consumers, the preference of the consumer is presumably going to be to get the groceries they want from one of their preferred supermarkets.

And from that point of view, if we think about any kind of diminution of quality or increase in price, which are two-sided platform trade to implement on customers, that's likely to be constrained by the fact they can also use grocery stores' own delivery services to get their groceries. And then if we think about the perspective of the grocery stores themselves, if they received kind of worst terms from a two-sided platform, their ability to invest and promote their own delivery services is likely to provide a constraint on what the platforms can do.

So an interesting aspect I think of the Chilean's choice in this matter was when they were thinking about kind of restaurant delivery services, which is another part of obviously of what Uber's business provides. They chose that to not include kind of restaurants' own delivery services in the same market as kind of a platform such as Uber Eats. And now I think that raises kind of the interesting question about what's different between kind of grocery delivery and restaurant delivery.

And I think of one obvious feature-- and it would be interesting to know what the data would say on this-- is that people may use kind of two-sided restaurant delivery platforms as basically some kind of menu-browsing service where they can identify the kind of restaurants they would like. Whereas for grocery services, I

think it's much more natural to assume that people already know the grocery store they would like to get their products from.

RUSSELL

DAMTOFT:

Thank you, Andrew. Ng Ea Kia, welcome to the panel. Have you any thoughts on this issue of market definition?

NG EE KIA:

Right. Thank you for the invitation to join this panel. I think when I looking at this case, I thought it was very interesting from Singapore's perspective. As many of you know, Singapore is actually a very small country, and it's very densely-populated.

So I think one aspect of this case was the inclusion of the supermarkets with their own online delivery services. But I thought, like a place like Singapore, for example, we would even include supermarkets that do not actually have their own delivery service because of the mere fact that most of the population would actually stay very near, very close to a supermarket grocery store nearby, such that if a price goes up by, let's say, anything between 5%, 10% by a online grocer, most probably somebody just hop downstairs or walk 100 meters across the road to get their own grocery from the store directly.

So I think that's one interesting aspect that, depending on the local conditions, that you really have to consider the market definition quite differently-- not something that you can pick up from somebody else's case. I think we also considered this market definition issue in quite a number of different cases that we have dealt with recently. So for example, one online/offline type of example that I could think of is where he actually dealt with a Uber and Grab merger in [AUDIO OUT]

Other issues we considered is where ride hailing that's booked through a app or through a phone call is actually in the same field-- so something that you can put out your hands, or at the taxi rank, you can just hop into the cab. And I think what's interesting is that we actually had a natural experiment when Uber exited the Southeast Asia market, whereby there was a sudden cutoff [AUDIO OUT] service. And then from there, we [AUDIO OUT] or riders.

Actually, instead of going to Street Hill, they actually kind of migrated all their bookings to the ride hailing service providers. And that is, like Vicente mentioned, a

natural experiment for us to give us some evidence that they're actually not in the same market. So I thought that's just another interesting case to share. Thank you.

**VICENTE
LAGOS:**

If I might give a quick reaction to the issue of the market definition in the restaurant segment. So what we actually did in the report was to leave the definition open. And we focused more on our closeness of competition kind of analysis in the restaurant segment. And what we saw is that consumers actually, when they use this restaurant platform, basically they value a lot of variety that they can find on the platform because sometimes they go, they use the platform not knowing in advance what they're going to buy.

And in that sense, the online services provided by restaurants on the platform were seen quite differently by consumers. And this is why we decided to basically say that they're not close competitors. And this is what we concluded in the report. Thanks.

**RUSSELL
DAMTOFT:**

Thanks, Vicente. Spinning to the next topic, it seems that in the absence of the acquisition, Uber may have entered the online grocery delivery market. This seems to be like a reverse of a potential killer acquisition story where a company acquires a potential competitor and eliminates nascent competition.

The significant challenges, I suppose, for competition authorities assessing mergers, that may involve the elimination of potential competition. So Ea Kia, what's your thoughts of the approach taken here by the Chile Competition Authority and this whole issue of potential competition in merger matters?

NG EE KIA:

Right. I think this is definitely something we would consider if a case like this presented itself in Singapore. And I think it is a sensible assessment that the Chilean Competition Authority has undertaken. I think when we talk about potential competition, I think we always think about the likelihood as that as a first protocol, whether it is even likely that this so-called company would actually enter the market. So I think the evidence presented by this [INAUDIBLE] just now talk about, you know, there is a pilot project that was ongoing at the point of the merger.

There was evidence of Uber Eats actually entry into the grocery market in other countries. I guess, for me I would actually look for evidence about what does Uber Eats do in the other countries? What type of business models? What are strategy

through this Uber Eats undertake in those countries? Have they been actually successful in entering the markets?

And in the Chile market, what I would be looking for internal documents to understand how likely and how will Uber Eats be entering the market. What type of business plans, documents can I get my hands on? What are investments are they talking about? What are time frames? What about scale of entry?

This will be, I guess, information documents that I'll be looking for in language assessment. And I guess, yeah, I expect, we will, of course, be also looking at the effects of this potential entry if it goes missing with the existing market players. Whether in the current state or in terms of their potential expansion, would they be actually be able to still create in a very competitive environment despite the merger?

And what about the other potential entries in the future? Any information on that. So I guess this other types of information they'll be looking at as part of that merger assessment.

RUSSELL

And Fiona, welcome to the panel. Do you have any thoughts on this?

DAMTOFT:

FIONA SCOTT

I do thanks. To the ICN for the invitation. It's a pleasure to be here. I agree with Ee

MORTON:

Kia very much in terms of thinking about the sources of evidence. One hurdle that I feel that potential competition, encounters at least in the United States, is the idea that there's going to be some sort of certainty about how the market will evolve going forward.

And of course, this is not going to be possible. These are fluid markets. We don't know for sure what's going to happen in the future. So it's very important that the burden of proof doesn't include certainty. That we do the best we can by looking at the business plans, looking at the investments, considering theory-- are there economies of scale? What are the managers planning to do-- and evaluating the likelihood of entry in that way and not in some kind of the probability must be bigger than X, or we have to know for sure what's going to happen.

I think it is quite important to understand network effects here when thinking about

whether the potential entrant is going to create future competition relative to the acquisition. If the battle is for the market, then the longer that the two firms stay separate, the more they are competing for the market and delivering consumer surplus to consumers rather than kind of ending that phase of competition and being in the phase of competition where they're the dominant firm in the market.

And that brings up efficiencies. In our discussion before this panel, there was some discussion of whether the efficiencies that you might want to credit would be faster entry realized through the acquisition allowing there to be some kind of efficiencies that arrived quicker than they otherwise would. And I think that kind of efficiency, first of all, you're only talking about moving the money from one period to another. So it's going to be fairly small because it's the time value of money.

But I think, most importantly, what that's doing is it's shrinking the time period of competition for the market, which is when the benefits of the consumer show up and hastening the time when the market has tipped, which is when the consumer benefits reduce. So I would not call that an efficiency, actually. I would actually be inclined to reverse it and say that that's a problem for consumers or a harm to consumers.

And then lastly, I'm wondering here, in the case of the supermarkets, whether there's a distinction-- whether it's worth thinking about a segment of consumers that are more elastic and less elastic. Certainly in the time of COVID, if my supermarket could save me 5% if I went there directly, and the delivery fee was a little expensive, I think I would just pay the delivery fee anyway. And so it would be, I think, worth investigating whether there were distinct segments, some of which had different behavioral responses to these price changes, than others because, of course, everybody buys groceries. So there's probably going to be heterogeneity in that group. Thanks.

RUSSELL

DAMTOFT:

Thanks, Fiona. We'll move on to the third topic, which was thinking about indirect network effects and multihoming. And Vicente outlined the potential concern that indirect effects could sort of supercharge the foreclosure strategy where post-acquisition Uber bundles grocery delivery with its food delivery and ridesharing services. And one potential constraint on this is the presence of users' multihoming. Fiona, what are your thoughts on this?

FIONA SCOTT

MORTON:

Sorry, I was on mute. Multihoming is a really critical way in which we induce competition in lots of markets. So one of the things that I think is an interesting factual question in groceries is how many consumers multihome. If you have your favorite grocery store near your house, and that's the place where you always want to buy everything, then it might not matter to you what the competition in the grocery delivery service is like because that's a great substitute.

Where I live actually, we multihome across grocery stores. There is not one that we like enough to buy everything from, and so we go to a variety of different shops. And in that world, the network effects and the ability to foreclose the other grocery delivery services that also multihome might be really important.

And it might also be really important vis a vis competition with the supermarket. If there are many consumers who want to multihome, then it might be that the supermarket has a hard time competing with the delivery service because the consumers are not that interested in its service. They prefer the service that can get them groceries from lots of different places. So I think there's quite a fact-intensive question, and it matters a lot to what the business strategy of the delivery service is going to be, and whether they can engage in using these network effects to create a barrier to entry.

ANDREW

SWEETING:

So Graeme, do you want me to make some comments? I think Graeme is on mute. So I would agree with Fiona that this is a very fact-specific kind of investigation. The framework I would think about-- my understanding or the concern was that once you brought Uber and Cornershop together, would there be some possibility for them to offer, say, kind of some kind of discount structure, which would result in them being able to, in the long-run, force rivals out, and then they would be able to recoup the value of those discounts by raising prices later on once rivals had been foreclosed?

So the question of multihoming is kind of relevant for both pieces of that puzzle. How much would you be able to exclude rivals during the kind of predation kind of stage? And how able would you be to kind of recoup the cost of that from rivals later on?

So I think that in general, we would think if consumers are very willing to

multihome, both parts may become more difficult. So if consumers are kind of choosing things on a transactions basis, identifying which platform or which service is kind of best for an individual transaction, then it might be kind of very difficult in the sense you would have to offer very large discounts to kind of deprive other firms of scale. And similarly, you can think during the kind of recruitment phase, it might be relatively somewhat easier than in other contexts for supermarkets to kind of remain a competitive threat by being able to identify consumers who would still value their services even though the platforms may have grown larger.

So I think that similarly indirect network effects can have a similar kind of role if consumers only really value having a particular player on the other side, then it may be less the case than kind of just signing up a lot of players on one side of the market will allow you to attract and kind of keep the loyalty of consumers on the other side of the market. Fiona, do you want to comment?

**FIONA SCOTT
MORTON:**

Yeah. I just want to quickly respond to Andrew's point about the discounts. I think something that's underappreciated in this space is the distinction between a plain vanilla linear discount and the shape of the discounts. So if I have a plain vanilla linear discount, I save 10% off or 5% off, then that's something that any size entrant can match if they want to. And we have a classic head-to-head battle in which the consumer wins. And I think Andrew's points carry through pretty well in that context.

But many loyalty discount programs actually take a different shape altogether. And that is to say they are not linear-- that you don't get the discount until you hit a certain threshold or a certain market share or a certain size. And what that's doing is it's making it very expensive for the small entrant to expand because they expand across the threshold, and then they might have a negative price. They might have to pay the consumer to make it worthwhile to the consumer to come to them because the consumer will lose their loyalty discount from the dominant platform.

These kinds of discounts can be run without any loss to the dominant firm. I mean, that they take the normal tariff, mark it up and give it back at the threshold. And the result of that is no loss in revenue while excluding the entrant. So the shape of the tariff matters not just its level. And I think that when you can use these shapes

to keep the small entrants small, you have a foreclosure issue that you need to look at. Depends on the setting, but, and again, you want the consumer to want to multihome but not be able to because of the loyalty discount.

**ANDREW
SWEETING:**

I would 100% agree with what Fiona just said. I've certainly seen cases in other kinds of settings where clearly there's share of business, for example, related discounts, which can effectively create pressure towards exclusivity and make multihoming by at least one side of the market much more difficult. And it comes back, as Fiona said in the beginning, to kind of a fact-specific question about how viable would that kind of strategy be in this context.

**VICENTE
LAGOS:**

I would like add a few comments about this issue. So what we did basically in order to assess basically this possibility of kind of mixed bundling strategy to kind of leverage market power from one side to another. We did this sort of similar to the one that the European Commission does-- so this three-step assessment of ability, incentives, and an effect. And some features that were interesting that we saw, and I think that some specific digital markets is that, for instance, we thought our competitors could react by offering loyalty programs with services that were not even related to groceries or were not even related to restaurants.

For instance, we saw that some platform linking-- a ride-sharing platform linking the rides with a loyalty program from airlines, for instance. Or some of the restaurant delivery platforms were linking the loyalty program with services from credit cards from some banks and some of these or some programs like these. So I think this is also something that should be evaluated in the context of our digital economy case in which kind of the universe is larger in the sense that we can connect more-- it's easier to connect different services and to create different partnership with front-level operatives and in markets that are not even appropriately related. So I think this is something that we did and was part of our assessment of as well. I think Graeme is on mute.

**FIONA SCOTT
MORTON:**

Graeme, you're on mute.

**GRAEME
WOODBIDGE:**

Yeah. Just remind the people in the audience, if you have any questions, please send them through. I've got a question about potential competition mainly because

it's really, really difficult. Well, I find it really difficult anyway.

And just picking up on Fiona's point about certainty, look, in a recent merger matter, the agency looks concerned about a potential competition in weight loss medications. And there, it was pretty clear that you had one player who had all the approvals and was supplying that medication. Somebody else was about to get those, and there was really no one else in the pipeline, so it's fairly certain.

But in some other acquisitions, we just don't really know what's going to happen. So the business people might think, well I think I'm going to acquire this on the chance that they could actually become a sort of competitor or a disruptive competitor. And as one sort of think about that, it seems that if one doesn't seriously think about those in merger control, then we're leaving open-- or you're leaving open, I suppose, the major source of competition for some major digital platforms in terms of competition for the market. So I don't if you expand on your point, if you could, Fiona, about certainty.

**FIONA SCOTT
MORTON:**

Sure. I think when these potential threats arise, what the platform would like to do is remove them because, of course, then they don't face the possibility-- in economics, we model this very simply-- probability times impact. And if there's some probability that this entrant is going to reduce my monopoly profits, then I can gain from purchasing them or excluding them in some way.

I think something that is really important in a world with network effects is to remember that the competition for the market drives lots of consumer benefits. The platforms get better in terms of quality. If there are price is involved, they may be lowering their prices. And that that struggle to get traction and take off and overthrow the incumbent is time in which consumers are getting a lot of benefits. And even if that entrant ultimately fails, the number of days or weeks or months or years in which they were competing hard with the incumbent was a time in which a lot of consumer surplus was generated.

So not only is it hard to predict whether the entrant will succeed, but it's not clear to me that we even care in some sense whether the entrant will succeed as much as the entrant threatens to succeed. And when the entrant threatens to succeed, that makes the monopolist run faster and even if the monopolist is never

overthrown, if they're running faster, that's a tremendous consumer benefit.

So the uncertainty-- yes, there's uncertainty, but I just really don't think that the uncertainty is the first-order problem for figuring out consumer welfare. We just have to live with it. It's true. It's there, and we have to do our best to figure out what is the most competitive outcome for the consumer.

**ANDREW
SWEETING:**

So I guess I can make a couple of comments there. So I think Graeme's absolutely correct that often in the pharmaceutical space, kind of the regulatory framework, and kind of the development testing path towards bringing a product to market often makes it kind of relatively clear exactly who the competitors are and what space they might be doing. And we've been looking recently a potential competition cases that the FTC has bought. And a lot are in the pharmaceutical and medical devices kind of space.

On the other hand, there are other cases which the FTC has also brought challenges or require divestitures. So what in the Nielsen-Arbitron merger, that was a case where the concern was about would there be competition to develop kind of cross-media or cross-location kind of measurement services. And while Nielsen was kind of the leading firm when it came to developing that kind of product, Arbitron was doing some initial kind of collaborations with different parties to kind of test its own abilities in that space.

And the commission decided to challenge in the form of requiring kind of a divestiture of all the IP that Arbitron had to kind of-- Arbitron's counterparties. Even though there was actually a lot of uncertainty about what even the product that would end up being offered, if not spaced, out would actually look like, this was a decision which at least one commissioner kind of dissented from base partly on all the uncertainties involved, which we've talked about. But I think there is a willingness at the agency level to try and grapple seriously with these cases even when there's a lot of uncertainty involved.

**RUSSELL
DAMTOFT:**

Thanks, Andrew. And Ea Kia or Vicente, do you wish to sort of discuss some--

NG EE KIA:

Mainly, I just talk about this uncertainty. And I mean, well, one part that came to mind is actually the discussion of Keller acquisition [AUDIO OUT] transaction. Is it

going to draw a potential [INAUDIBLE]? So I recall that when I was listening into this person, and I unfortunately cannot remember who said that.

But I thought one of the advice given was something that I took to heart is to talk to as many people as you can. Ask as many people as you can. Talk to the industry players. Talk to anybody whom you think would have some idea about what is happening in the industry. And use that information. Gather as much information as you can to form an opinion from an assessment.

In a way, there is some crystal ball gazing. Unfortunately, as the competition authority, I would have to say that at times we have to just use whatever information we have at that and point come to a decision in terms of what of use of the industry of this potential entrant would be. But I guess that's the advice that I took to heart in terms of the next case that comes along, most probably [INAUDIBLE].

RUSSELL So, Vicente at least came on screen. Did you want to say something, or?

DAMTOFT:

VICENTE
LAGOS: So I mean, this is challenging matter, right? So, what we did in our case is that basically we, as it was said, we tried to collect as much evidence as we could. And we relies on a lot of internal documents and interviews with managers of the emerging parties, but also we with the third parties. And in that sense, we did this type of market investigation.

And we try to divide the assessment between these two parts, whether the one is the probability of entry, and then the second part on what could be the business plan, what would be the positioning, and how would this evolve in the long run. But I mean, this is, of course, a case-by-case situation. And it's difficult to find that one solution for all the cases. But I think just that's the idea. I think I agree in the sense that just tie together as much information as you can and talk to everyone in the market. And you can, form an idea of what will be the most likely outcome.

RUSSELL
DAMTOFT: Thanks. Just had sort of question or comment. It would be helpful if the competition authorities looked at patterns of acquisitions rather than just one. So any one, the probability of that nice to [INAUDIBLE] actually contesting the market in any serious way might be very, very small, and so it might not reach the legal thresholds. But if

you look at a series of transactions of the same type, could that get to that level? Is it worth looking at the sort of stream of acquisitions rather than individual transactions?

FIONA SCOTT MORTON: I definitely think so. I've written about this myself. There's a new paper by Scott Hemphill and Tim Wu that makes this argument that really it's more of a section to monopolization kind of argument. I've got series of acquisitions. Repeatedly, I've been trying to buy up entrants in order to maintain, create or maintain a monopoly.

And I think this links back to what Vicente and Ee Kia we're talking about with the business plans and the strategy of the company that you can see it if there is a series of acquisitions. And I think that's also a nice way to reframe the discussion of uncertainty. Certainly, any one of those might have a low probability of eventually dethroning the monopolist. But if the monopolist is standing there eating all the small mice that come out of their nest, then, yeah, none of them are going to be going to grow up into the new monopolists. So I think it makes it sort of more clear what the competitive problem is in that situation.

RUSSELL DAMTOFT: Thank you. I think we're running close to time. So I think it's probably just to leave me to thank the panelists-- Ee Kia, Andrew, Vicente, and Fiona. And it's very hard to do this when you're talking to a screen.

So I hope the audience appreciates the work the panelists have done and their comments. I certainly have. So I'd like to thank them for their comments today. Thank you.

VICENTE LAGOS: Thank you, everyone.

NG EE KIA: Thank you.

ANDREW SWEETING: Thank you.

FIONA SCOTT MORTON: Thank you.

NG EE KIA: Thank you for everything.

FIONA SCOTT Bye-bye.

MORTON:

NG EE KIA: Bye.

VICENTE Bye.

LAGOS:

UNIDENTIFIED AUDIENCE MEMBER 1: As we begin the closing session, the DOJ and FTC teams wanted to take this opportunity to say thank you for joining us this week for ICN 2020. This isn't what we were planning for back in 2018. But we were honored to have the opportunity to host the ICN's first virtual conference. We are so thankful to our colleagues and friends from across the network who persevered with us to make the transition from an in-person conference to a virtual conference possible.

UNIDENTIFIED AUDIENCE MEMBER 2: A silver lining to the virtual nature of the conference is that we were able to reach numbers far beyond in-person capacity in the convenience of our offices and even homes. Indeed, you were joined by nearly 3,000 participants across the global antitrust community. A special welcome goes to those of you who are new to ICN this week. We hope you continue to engage with the ICN's work going forward.

UNIDENTIFIED AUDIENCE MEMBER 3: As Michelle mentioned, the planning for this conference began two years ago. In many ways, we planned two conferences-- one, for the live event in Los Angeles and also this virtual conference. Through both events, scores of agencies and NGAs across the network poured their time and attention into the topics and the work highlighted this week.

We are so grateful to the many working group chairs, the panel participants, and the staffs that support them that helped ensure the success of this year's conference.

UNIDENTIFIED AUDIENCE MEMBER 4: Finally, if you got a taste of the ICN spirit this week and want a little more, we have great news. The ICN's work occurs year-round. Specifically, look forward to the ICN fall webinar series every Tuesday, starting next week, for the next eight weeks. Every working group and a few other projects will participate. So it's got something for everyone. The schedule's on the ICN website.

Or generally, if you heard anything of interest this week, reach out to a working group. Reach out to a member agency to get involved. Points of contact and all the work you heard about this week are on the ICN website. But for now, next year awaits. It's our pleasure to turn it over to ICN Chair, Andreas Mundt.

**ANDREAS
MUNDT:**

Well, this is the closing of the 19th ICN Annual Conference, our first virtual conference. And all my thanks go to the teams from the Department of Justice, the Federal Trade Commission in Washington, the teams who have done a fantastic job there. My thanks go to the working group co-chairs who have set up this program.

My thanks go to the NGAs. And of course, my thanks go to my own staff, to Barbara, and all else who have accompanied all this work during a hard time. This is the closing of the core week. We're going to continue. There will be weekly events organized by the working groups. And that is going to start next Tuesday.

This is the time to take a brief look back at the conference and to take also look into the future of the ICN. If we look back, I can say I'm extremely happy that we have seen such a wonderful conference. And there are three reasons.

One reason is we had an excellent event. We have had substantial and great panels. And that was confirmed by the number of attendees to this virtual event. In the first day alone, we had 2,500 participants in this conference, which is a great success.

We continued our discussion about digital matters in a digital conference. We had debates about advocacy in the digital age, about digital strategies of agencies, about digital mergers and remedies in digital markets. It is not so that we neglect non-digital markets. They are still the foundation of most of our economies, but we also know that the digitalization is grabbing into every other branch, into every other industry. And this is why this topic is so important.

We covered a broad spectrum. We had our special sessions for younger agencies, for nongovernmental advisors, for economists. That is a broad spectrum.

Second, I'm so happy that it went so well, because I even felt this special feeling, this ICN spirit, that you can only feel at an ICN annual conference. And even it was

virtual. You could see that those people who participated in this event that they trust each other. That there's a strong bond between them that has grown over year, and that is even visible when we meet only virtual and not physical. You could see that also at our lively remote event when we were all together in one board room, so to say.

Thirdly, I'm so happy about this high degree of professionalism that we saw during that conference. We had new features. We had new videos, introductory videos before the plenaries. I liked very much the ICN airline video by the merger's working group. And we have highly-professional, important work products.

Quality, spirit, and professionalism will help us to get through the difficult times that lie ahead. We must continue to deal with the COVID-19 situation. We have to deal with international cooperation without meetings. And we have to deal with pressing issues that we have to tackle now and not after the pandemic.

How to create a level playing field for companies coming from a market economy, competing with companies that come from state-driven economies is one of these burning questions that we have to tackle. How do we deal with the changes to the markets in the framework of the COVID-19 crisis? How do we deal with state intervention through subsidies by states and capital participation in companies? How do we deal with the questions of competition and sustainability, an important question for the future?

Tembinkosi Bonakele, the chairman, the head of the South Africa Competition Commission today said, the ICN was never a political organization. And I stand for that it will never be a political organization. It's all about competition, but we will have to deal with political questions to a certain extent if they have an impact on our case law, if they have an impact on the cases that we have to deal with in our respective agencies.

And I know, from my own experience-- I know from the experience that we make here at the Bundeskartellamt that these questions can come into play when we have to assess competitive situations and competitive relationships between companies. We saw that just recently in a case where state economy matched market economy. So these questions are challenging, but they come into

competition from time to time, and we will have to tackle these challenges.

The ICN has never shied away from tackling challenges. And we will start to deal with burning questions immediately. The work plans for 2020 and 2021 foresee broad topics-- how to deal with competition in crisis, of course, in the crisis of a given COVID-19 situation.

We will deal with advocacy in terms of crisis with crisis cartels' cooperation among companies in times of crisis and burning questions with regard to merger control. In terms of crisis, I think everyone of us in our respective agencies have to deal with these questions. And we will tackle the Third Decade exercise next week, an exercise to reevaluate the ICN to find out if we still have the right tools, appropriate instruments, and the right structure in the ICN to tackle all these kinds of questions that are at hand.

The ICN is huge-- 140 members, very diverse. But I think it has proven during this conference that it can adapt itself and reinvent itself. And maybe in these difficult times, this is one of the most important skills that we have. So once again, all my thanks to the hosts of this virtual conference. All my thanks to the staff behind it.

And from now on, the annual conference 2020, '21 takes shape, I very much hope for an in-person event. And I hand over to the conference host. But we first will find out where this conference is going to be. And this will be shown in the video you'll see right now.

[VIDEO PLAYBACK]

[MUSIC PLAYING]

- Showing us next
year in one of
Europe's oldest
countries,
Hungary.

[MUSIC PLAYING]

A tiny country of 9.8 million inhabitants founded in 895 in the Carpathian Basin, today, Hungary is well-known for its rich history and culture and is the birthplace of modern innovative ideas. Hungarians have always been proud of their creativity and strength. Hungary ranks high on the worldwide list of Nobel Prize holders and Olympic gold medal holders per inhabitants. Hungarian creativity can also be seen in a wide range of cultural activities with world-renowned artists representing the country in dance, cinema, circus performance, and music.

[MUSIC PLAYING]

Since 2004, Hungary has been part of the European Union and therefore of a market of 510 million people. Exports, especially in the automotive sector, are the driving force of the economy and resulted in a GDP increase of almost 5% in 2019. Besides traditional, industrial, and agricultural sectors, strong startup activity in Hungary has even taken a number of Hungarian entrepreneurs all the way to Silicon Valley.

While Hungarians are extremely hardworking, they also like to enjoy life's pleasures. The country has 22 wine regions from which the Tokai Region is the oldest and most famous. The capital offers an unmatched combination of blooming gastronomy-- the advantages of firmer waters, words heritage sites, and culture.

[MUSIC PLAYING]

The Hungarian Competition Authority, the GVH, has been based in the heart of Budapest since its establishment 30 years ago. Besides the enforcement of antitrust legislation, the authority also has competence to proceed against unfair commercial practices.

[MUSIC PLAYING]

The authority, which also directly applies EU legislation, closes approximately 100 cases per year. Its resources are relatively small. It has approximately 130 highly skilled employees and a yearly budget of 7.5 million euros. The GVH is proud to have been recognized for its innovative cartel detection tool. Since 2005 the GVH and the OECD have jointly operated a training center for competition law and policy

for officials of central, east, and southeast European region.

Dear friends, the Hungarian Competition Authority, the GVH, celebrates the 30th anniversary of its establishment this year. The GVH is very pleased to host another jubilee event and in 2021, the 20th annual conference of the International Competition Network. This is a great privilege for us.

The annual conference in Budapest will allow us to look back on the performance and achievements of the network over the past 20 years, its special regard to recent activities. Furthermore, the conference will provide us with an excellent opportunity for contemplating the possible ways in which the work of the ICN can be continued during the third decade of its operation.

We are friends. I am glad that the ICN community has shown great unity and endurance during these challenging times caused by the COVID-19 pandemic. I am hopeful that these hardships will have been overcome once and for all by autumn of next year. And I look forward to welcoming you all to Budapest on the 1st through the 15th of October 2021.

[MUSIC PLAYING]

[END PLAYBACK]

ANDREAS Csaba, your remarks? Csaba, you have the floor.

MUNDT:

CSABA BALÁZS Thank you. Dear colleagues, the organization of this annual ICN conference has
RIGÓ: been made possible due to the tremendous efforts of the US FTC and DOJ. We would like to sincerely congratulate, from Budapest, the organizers on the success of this unprecedented first virtual ICN event.

The Hungarian Competition Authority, the GVH, is very pleased to host the annual conference of the International Competition Network in 2021. This is a great honor for us. We do hope that we will be able to hold the conference in person.

I can only reiterate what I have already said in the short video. Let's meet in Budapest on the 1st to the 15th of October next year. Thank you.

**ANDREAS
MUNDT:**

Thank you very much, Csaba. We're all looking forward to Budapest next year. Well, normally this is the time where I say get home safe, safe travels, I hope to see you soon.

In a virtual conference, things are a bit different. But what I can say today-- stay healthy, stay in a good shape. And what I really hope is to see you in person as soon as possible, at the very latest at the next ICN conference in Budapest. So this is it. Goodbye. Thanks for joining us and see you soon. Goodbye.