

ICN Merger Working Group (MWG)

Mission: Promote best practices that: (i) enhance the effectiveness of merger review; (ii) facilitate procedural and substantive convergence; and (iii) reduce the costs of multijurisdictional merger reviews.

MWG Working Group Co-Chairs: UK's Competition and Markets Authority (CMA), Spain's Comisión Nacional de los Mercados y la Competencia (CNMC) and Brazil's Conselho Administrativo de Defesa Econômica (CADE). After the Annual Conference, the CMA will step down and the Norwegian Konkurransetilsynet will become a Co-Chair.

2020-2021 MWG Work Product

Joint venture mergers: Survey and report on joint ventures, covering issues such as the notion and practical aspects of joint control, the requisites for a joint venture to be notifiable, and the theories of harm used when analysing a joint venture.

Merger control in times of crisis: Regional webinars discussing the impact of the COVID-19 pandemic on merger review processes and a final report on the key findings of the webinars.

MWG Virtual Workshop on Merger remedies: Heads of Agency Webinar which discussed relevant issues around merger remedies, including the debate on structural and behavioural remedies, coordination with other agencies in multi-jurisdictional remedies, and ex post reviews of the efficiency of past remedies. The Workshop will be followed by two additional global webinars which will further explore different topics relating to merger remedies, to be held in Fall 2021.

Update to the merger notification and procedures template: Revision of the template which was last updated in 2009 to reflect developments in merger assessments in recent years. The updated information provided by MWG members will be included in a final report and will be published on the ICN website after approval by the respective authorities.

Other ongoing and ad-hoc initiatives: Contributing to the Promotion and Implementation (P&I) Workshop Skills Series Workshops on investigative planning and processes, developing reliable evidence through interviews and document reviews, and harnessing international cooperation.

MWG Events

- Heads of Agency Webinar on Merger Remedies followed by two global webinars to further explore the topic (Spring and Fall 2021, respectively)
- Merger control in times of crisis webinars (Fall 2020)

2021-2022 Proposed Work

Ex-post merger evaluation: Series of webinars on ex-post monitoring and ex-post evaluation of mergers followed by a final report summarising key findings. In addition, a list of NCAs that have conducted ex-post merger evaluations will be compiled.

Control of personal data, market power, and potential competition in merger reviews: Comparative survey and report on the correlation between the control of personal data, market power, and potential competition in merger review. This project will explore how the control of personal data contributes to granting companies market power, and how the control of personal data arising from mergers may strengthen the dominant position of incumbent firms, create barriers to entry for new firms, and/or eliminate potential competitors.

Entry and expansion: revision of the ICN Recommended Practices Chapter on entry and expansion to reflect recent developments on this topic.