

**20<sup>th</sup> ICN Annual Conference – 2021**  
**13-15 October 2021**  
**Budapest, Hungary**

**(time zone: Central European Time – CET)**

## **AGENDA**

### **Wednesday, 13 October 2021**

#### **12:00-12:45 Opening Session**

##### **Opening Speeches by:**

Csaba Rigó, President, Hungarian Competition Authority  
Andreas Mundt, President, Bundeskartellamt, Germany, ICN Steering Group  
Chair  
Péter Szijjártó, Minister of Foreign Affairs and Trade of Hungary

#### **12:45-12:50 Break**

#### **12:50-13:50 Host's Special Plenary Session: Sustainable Development and Competition Law**

The panel is based on the concept that participants will discuss and further elaborate on the current issues and the future of the relationship between sustainable development and competition law by sharing their own knowledge and by relying on the survey results of the special project of the GVH. It is also expected to inspire the audience by drawing attention to the challenges, potential solutions, and good practices.

The panel seeks to discuss the following questions:

- What is the current and future position of the topic?
- Do competition agencies have the sufficient toolkit to address sustainability in competition cases? If not, how to develop them?
- Do competition agencies have the appropriate skills to deal with sustainability? If not, how to develop them?
- How could competition agencies provide legal certainty for businesses?
- Is international cooperation needed in this field? If yes, in what forms?

**Moderator:** Martijn Snoep, Chairman, the Netherlands Authority for Consumers and Markets

**Speakers:** Tembinkosi Bonakele, Competition Commission of South Africa  
Nicole Kar, Linklaters, United Kingdom  
Andreas Mundt, President, Bundeskartellamt, Germany  
Delia Rickard, Deputy Chair, Australian Competition and Consumer Commission  
Csaba Rigó, President, Hungarian Competition Authority

**13:50-13:55 Break****13:55-14:40 CWG Plenary: International Cooperation in Fighting Cross-Border Cartels: Issues and Challenges**

Following up the 2021 ICN/OECD Report on International Enforcement Cooperation and the 2020 ICN Guidance on Enhancing Cross-Border Leniency Cooperation, the plenary session objective is to progress the discussion on the main issues and challenges for an effective cooperation and how the ICN can best support and enhance agencies' ability to engage in cooperation in cartel enforcement. The plenary session will address issues and challenges related to, inter alia, cross-border leniency cooperation, legal barriers for the exchange of confidential information, obstacles in obtaining assistance from overseas competition agencies in accessing key information or witnesses and sanction quantification. It will benefit from a variety, in terms both of experience and geography, of agencies' views and from the private sector perspective.

**Moderator:** Alessandra Tonazzi, Director of International Affairs and European Affairs, Italian Competition Authority

**Speakers:** Adelaide Luke, Partner, Herbert Smith Freehills, Hong Kong  
 Anna Rawlings, Chair, New Zealand Commerce Commission  
 Richard Powers, Acting Assistant Attorney General, United States Department of Justice, Antitrust Division  
 Andrey Tsyganov, Deputy Head, Federal Antimonopoly Service of the Russian Federation

**14:40-14:45 Break****14:45 – 15:45 BOS/Interactive Sessions (1)****1. CWG: Anti-cartel enforcement in the digital era: new investigative strategies for new cartels**

In this session, the CWG will discuss the role and challenges of digitalization in a cartel investigation by addressing each step of the investigation chronologically: using publicly available data; collecting large amounts of data during a dawn raid (forensic/IT expertise); digitally processing/organizing/reviewing the data that has been collected during the dawn raid; and, finally, conducting the analysis on the merits in data intensive industries (existence of a collusion?). The session will give the floor to four experts in the field. This discussion stems from the Big Data and Cartels Project that led to the drafting of the Scoping Paper on The impact of digitalization in cartel enforcement and the revision of three chapters (3, 4 and 5) of the Anti-Cartel Enforcement Manual.

**Moderator:** Dave Anderson, Partner, Bryan Cave Leighton Paisner, Belgium

**Speakers:** Alexis Brunelle, Case Handler, France Autorité de la Concurrence  
 David Dorrell, Director of Data Science, DaTa Unit, United Kingdom Competition and Markets Authority  
 Sally Foskett, Director, Strategic Data Analysis Unit, Australian Competition and Consumer Commission  
 Thembekile Tshabalala, Senior Forensic Investigator, Competition Commission of South Africa

## 2. AWG: Re-thinking the ICN Advocacy Toolkit

The ICN Advocacy Toolkit provides an inspiration for the implementation of effective advocacy initiatives around the world. With the Toolkit, many competition authorities have been able to move forward, not only in their dialogue and engagement with other regulators, but also with the design of successful strategies aimed at gaining the public's awareness and recognition and market self-regulation. The BOS will provide a platform to discuss what it means to update this document for the ICN and also to hear first-hand narratives from some authorities that contributed to the update with some of their recent initiatives. Therefore, the session will explore the following questions:

- What is the structure of the updated Toolkit?
- Why is it important to consult it?
- What are some successful experiences from different jurisdictions that have used the Toolkit?
- What lessons can be learned from the different experiences presented?  
What are the challenges for an effective application of the Toolkit?

**Moderator:** Eleanor Fox, Walter J. Derenberg Professor of Trade Regulation, New York University School of Law, USA

**Speakers:** Armine Hakobyan, Deputy Director, Department for Competition and Public Procurement Policy, Eurasian Economic Commission  
Osamu Igarashi Deputy Director of Coordination Division, Japan Fair Trade Commission  
David Miller, Executive Director, Jamaica Fair Trading Commission  
Rolando Palacios, Competition Expert, Competition Advocacy Office, El Salvador Superintendence of Competition  
Adano W. Roba, Director, Planning, Research, Policy & Quality Assurance, Kenya Competition Authority  
Terence Seah, Deputy Director, Business & Economics Division, Competition and Consumer Commission of Singapore  
Juan Pablo Herrera, Deputy Superintendent for Competition Protection, Colombia Superintendency of Industry and Commerce

## 3. AEWG: Enforcement Priorities in Action: Agency Effectiveness Perspective

Many competition agencies undertake enforcement activities based on a prioritisation policy or principles set up to organise their work and help them better allocate their limited resources. This session will focus on how these priorities are set and how they are weighed against each other in practice at the varying stages of case investigations, and for deciding whether to initiate formal investigations. The session seeks to discuss:

- How agencies set their competition enforcement prioritisation policy;
- How agencies select cases based on their enforcement prioritisation policy;
- The practical issues and challenges faced when setting the enforcement prioritisation policy and using the enforcement priorities for case selection.

**Moderator:** Natalie Harsdorf-Borsch, Deputy Director General and Managing Director, Austrian Federal Competition Authority

**Speakers:** László Bak, Vice-President, Hungarian Competition Authority  
Rainer Lindberg, Director, Finnish Competition and Consumer Authority  
Manfred Zink, Head of the Remedies and Compliance Division, Chilean National Economic Prosecutor

#### 4. MWG: Joint Ventures

This session will provide the opportunity to discuss the main conclusions reached by the report on merger analysis relating to joint ventures that it is being developed by the MGW Co-Chairs, led by the CNMC. It will also allow the speakers to share recent cases, reports and experiences in different jurisdictions related to JVs in merger analysis.

**Moderator:** Sergio Sinovas Caballero, Head of the Industry and Energy Unit, Competition Directorate, Spanish National Commission on Markets and Competition

**Speakers:** Julia Brockhoff, Head of Unit, Mergers Case Support and Policy, European Commission, Directorate General for Competition  
Anastasia Dokukina, Deputy Head of Division, Division for Antimonopoly Supervision of Foreign Economic Activity, Federal Antimonopoly Service of the Russian Federation  
Tzu-Shun Hu, Director, Taiwan Fair Trade Commission  
José Luis Ambríz Villapla, Director General, Mexican Federal Economic Competition Commission

#### 5. UCWG: Hands-on Defining Dominance in digital Era

The Unilateral Conduct Working Group (UCWG) will present the paper prepared on dominance in digital markets, a working product prepared by the UCWG in the context of the multiannual project "Dominance in the Digital Era". The paper covers two main topics, namely markets shares and barriers to entry in digital markets and provides key information on the most important features that are relevant for the assessment of these two crucial elements in competition cases. It also provides insights on the type of evidence an agency venturing into the enforcement in digitals may be particularly interested in. The BOS will be a great opportunity to discuss these topics.

**Moderator:** Ekaterina Rousseva, Policy Support Officer, European Commission Directorate General for Competition

**Speakers:** Vik Munyal, Senior Competition Law Officer, Canadian Competition Bureau  
Etienne Pfister, Chief Economist, France Autorité de la Concurrence

### 16:00 Virtual tour at the Hungarian National Museum, Budapest

**Thursday, 14 October 2021**

**12:00-13:00 BOS/Interactive Sessions (2)**

#### 1. CWG: Anti-cartel enforcement in the time of Covid-19: the blurred line between "essential" cooperation and "crisis" cartels

This session will address the challenges faced by competition agencies in ensuring that collaborations among companies they have authorised or not investigated during the emergency phase of the pandemic do not spill over beyond COVID-related issues and prolong its duration with a view to stabilising their

market positions or addressing long-term industry decline. The session will discuss and share experiences with respect to agencies' safeguards, especially with respect to information sharing. This session stems from the CWG project on "Horizontal Cooperation and Crisis Cartels at Times of Covid-19" launched in 2020. The session will benefit from the experiences of five agencies and the NGA perspective.

**Moderator:** Anna Miks, Deloitte Legal Göndöcz and Partners Hungary  
**Speakers:** Maria Jaspers, Director, Cartels Directorate, European Commission, Directorate General for Competition  
 Moti Katz, Team Leader, Israel Competition Authority  
 Gideon Mokaya, Enforcement & Compliance, Kenya Competition Authority  
 Andrea Minuto Rizzo, Head of Unit, International Affairs, Italian Competition Authority  
 Hideyuki Shimozu, Cartel Department, Japan Fair Trade Commission

## **2. AWG: What works in the eyes of businesses: compliance programmes from a user's perspective**

Over the years, competition agencies across jurisdictions have continued to promote competition compliance programs among businesses, with various approaches ranging from incentivizing compliance to issuing guidelines. But what kind of support competition agencies offer do companies find most useful? Following the plenary discussion, this session will be a continued dialogue to hear views especially from businesses and their compliance advisers on what compliance efforts and programs do work, do not work, and can be improved. The session will explore the following questions:

- What is the thinking process of a business to decide whether to make compliance efforts and adopt formal compliance programs
- What can competition agencies do to further assist in-house counsel/ external adviser to promote a culture of compliance among businesses?
- How useful re compliance templates or other tools frequently provided by competition agencies?
- What are some effective strategies/ approaches companies have employed to promote a culture of compliance at all levels of an organisation – and even amongst external stakeholders?
- How to get the buy-in from the company board and/or the top management?
- What are the practical issues and challenges faced when designing and implementing compliance programs?
- How to avoid a compliance programme being considered insufficient or only a "paper policy" by a competition authority?
- What lessons can be learned from other compliance activity e.g. anti-money laundering, anti-corruption etc.?

**Moderator:** Sabine Zigeliski, Senior Competition Expert, OECD Competition Division  
**Speakers:** Fernando Carreño, Partner, Von Wobeser y Sierra, S.C, Mexico  
 Leonor Velazquez Davila, Associate Director, Ethics & Legal Compliance, Intel Corporation, USA  
 Marjorie Holmes, Partner, Reed Smith, UK  
 Camilla Jain Holtse, Head of Competition Law & Policy, A.P. Moller-Maersk, Denmark  
 Graf Moritz von Merveldt, Chief Compliance Officer, ProSiebenSat.1 Media SE, Germany  
 John Oxenham, Director, Primerio International, South Africa  
 Daniela Seeliger, Partner, Linklaters, Germany

### 3. AEWG: Digitalisation, Innovation and Agency Effectiveness

Based on the findings of the AEWG report on “Digitalisation, Innovation and Agency Effectiveness” (currently still in progress), this session will be an opportunity to hear about different steps competition agencies are taking in order to digitalise and innovate their authorities to achieve effective and efficient enforcement in the digital age. The session will explore the following questions:

- Do agencies have digital goals and strategies to guide their digital transformation?
- What digital skills and roles are needed and how are they integrated within the agencies?
- What types of innovative digital tools and technologies are used to increase efficiency in the digital age?
- What are the biggest barriers to digital transformation and how to overcome them?
- How has COVID-19 affected agencies’ digital transformation?

Moderator: Šarūnas Keserauskas, Chairman, Lithuania Competition Council

Speakers: Juan Pablo Herrera, Deputy Superintendent for Competition Protection, Colombia Superintendency of Industry and Commerce  
 Kate Brand Director of DaTA team, United Kingdom Competition and Markets Authority  
 Silke Hossenfelder, Head of the General Policy Division, Bundeskartellamt, Germany  
 Scott Minning, Deputy Executive Officer, United States Department of Justice, Antitrust Division

### 4. MWG: Merger notifications and procedures

This session is an opportunity to discuss the updated version of the Merger Notification and Procedures Template. The updated template is a result of a consultation led by CADE and was revised by the MWG Co-Chairs. In the session we will also discuss some key responses submitted by ICN members, which have been compiled in a draft report.

Moderator: Patricia Sakowski, Deputy Superintendent, Brazilian Administrative Council for Economic Defense

Speakers: Gábor Fejes, Oppenheim, Hungary  
 Tamara Paremoer, Divisional Manager of Mergers & Acquisitions, Competition Commission of South Africa  
 Roar Gjelsvik, Norwegian Competition Authority  
 Hideki Utsunomiya, Mori Hamada & Matsumoto, Japan

### 5. ICN Third Decade Project

In preparation for ICN's 20th anniversary, the “Third Decade” Project assesses the tools, topics, and operations of the network to provide a roadmap for the ICN’s work during its third decade.

3D reflects the bottom-up approach of the members-driven network and follows the tradition of the ICN’s Second Decade exercise (2010-11) and follow-up to Second Decade (2016) as a self-evaluation exercise of all aspects of the ICN. The goal is to ensure that the network continues to have the appropriate tools and approaches to advance its mission.

In this breakout session, the 3D Co-chairs will present the project and preliminary results and will invite members and NGAs to provide further input.

**13:00-13:05**

**13:05-13:50 UCWG Plenary: Analysis of Theories of Harm and Design of Remedies Concerning Unilateral Conduct with Dominance/Substantial Market Power in Digital Markets**

In recent years, the UCWG has been dealing with topics related to unilateral conduct in digital markets. In 2019, the UCWG conducted a survey which focused on issues on the assessment of dominance/substantial market power in digital markets and the result of the survey revealed that many ICN members and NGAs were also interested in topics such as the analysis of theories of harm and the design of remedies concerning unilateral conduct with dominance/substantial market power in digital markets. The speakers on this panel will explore how agencies are dealing with challenges they face when analysing theories of harm and designing remedies in actual unilateral conduct cases in digital markets.

Moderator: Reiko Aoki, Commissioner, Japan Fair Trade Commission  
 Speakers: Pascale Déchamps, Deputy Rapporteur General, France Autorité de la Concurrence  
 Olivier Guersent, Director-General, European Commission, Directorate General for Competition  
 James Hodge, Chief Economist and Acting Deputy Commissioner, Competition Commission of South Africa  
 Joh Sung-wook, Chairperson, Korea Fair Trade Commission

**13:50-13:55 Break**

**13:55-14:25 Project Update and Discussion: SG Project - Competition law enforcement at the intersection between competition, consumer protection, and privacy**

The relationship between competition and consumer laws and policies has been topical for a decade or more and, if anything, has become more complex. This panel will explore how the competition/consumer/privacy intersection should be navigated through an examination of the varied ways in which the different regimes may in practice interact with one another.

Moderator: Matthew Boswell, Commissioner of Competition, Canadian Competition Bureau  
 Speakers: Cecilia Parker Aranha, Director - Consumer, and Mr Simeon Thornton, Director – Competition, United Kingdom Competition and Markets Authority  
 Cristina Caffarra, Senior Consultant to Charles River Associates, United Kingdom  
 Sia Aik Kor, Chief Executive and Commissioner, Competition and Consumer Commission of Singapore

**14:25-14:30 Break**

### **14:30-15:15 AWG Plenary: Is Competition Compliance Only for Big Businesses?**

Over the years, ensuring compliance with competition law appears to have grown in importance for business sector. This is potentially a result of more antitrust cases with hefty fines and/or intrusive remedies. Some companies have become more proactive in setting out comprehensive rules and procedures, establish reporting mechanism, training their personnel, engaging with their supply chain to ensure competition law compliance. Competition agencies also provide a wide range of resources and incentives, such as compliance program template, risk assessment tools and taking account of compliance program when setting fine. The goal is to encourage and assist companies to put compliance in place. However, some argue putting in place a comprehensive competition compliance program does not come cheap. They may require substantial resources, knowledge and outside expertise. While these costs may be relatively small for the very large companies, particularly those with specialised in-house legal functions, smaller and medium sized companies may find the cost prohibitive or at least hard to justify.

In this discussion, panellists will share views and experiences on how companies, with limited resources and capabilities, could best manage to achieve competition compliance. This will include discussing what competition agencies could do to help. This session seeks to discuss:

- Practical issues and challenges for companies that are not large, well-resourced multinationals to pursue competition compliance
- How to develop compliance programs that are suitable for the specific needs of a particular company
- Competition agencies' efforts to promote compliance among businesses of different sizes, complexity and risk
- Competition agencies outreach to SMEs and advocate the importance of compliance measures
- Lessons that can be applied from larger companies, with well-established and resourced compliance programs

Whether there is a danger that competition agencies disadvantage smaller companies by crediting compliance programs when formulating penalties.

Moderator: Dina Kallay, Head of Antitrust, Ericsson, Sweden  
 Speakers: Andrés Barreto, Superintendent, Colombian Superintendency of Industry and Commerce  
 Samuel Chan, Chairman, Competition Commission of Hong Kong  
 Cani Fernandez, President, Spanish National Commission of Markets and Competition  
 Lars Sørgard, Director General, Norwegian Competition Authority

### **15:15-15:20 Break**

### **15:20-15:50 Project Update: Special Project Group on International Enforcement Cooperation**

The main objective of the session is to raise awareness of the growing importance of international cooperation in competition enforcement and of how ICN intends to help agencies in reaping its benefits. Moving from a hypothetical case of cooperation which went wrong, the session will not only highlight existing ICN tools that can improve competition agencies' abilities to cooperate effectively but also outline remaining challenges and barriers to cooperation, as emerged from the 2020 ICN/OECD report. Finally, the session will present the activities of the Special Project Group on International Enforcement Cooperation, established by the ICN in order to pursue international cooperation work in a consistent and strategic manner, also in coordination with other international organisations.

Moderator: Elizabeth Kraus, Deputy Director for International Antitrust, United

Speakers: States Federal Trade Commission  
 Arsenio Balisacan, Chairman, Philippines Competition Commission  
 Antonio Capobianco, Acting Head of Division, Financial and Enterprise  
 Affairs Directorate, Competition Division, OECD  
 Michele Pacillo, International Affairs Officer, Italian Competition  
 Authority  
 Teresa Moreira, Head of Competition and Consumer Policies Branch,  
 UNCTAD

## 16:00 Virtual Social Event

### Friday, 15 October 2021

#### 12:00-12:45 AEWG Plenary: What an effective agency looks like in the post-COVID world

The world is unlikely to return to its pre-COVID state. 2020 and 2021 have been marked by continuous transformation and adaptation to cope with the changing landscape caused by the global pandemic. While the COVID-19 is not over yet, some contours of the post-pandemic world are already coming into view, like the acceleration of digitalisation, wider expectations of hybrid work arrangements and increased use of virtual meetings. Competition agencies can enhance their effectiveness and emerge stronger by finding new ways of working and thinking as well as stepping up their game to confront the new challenges and harness their COVID-19 experience in the “new normal”. This session will discuss the opportunities and challenges competition agencies might face in the post-COVID world in areas such as their case prioritisation, investigations and due process as well as digitalisation and innovation efforts in order to boost their effectiveness and prepare for the new future of work.

Moderator: Antonia Horrocks, General Manager, New Zealand Commerce Commission

Speakers: Andy Chen, Vice Chairperson, Taiwan Fair Trade Commission  
 Rikard Jermsten, Director General, Swedish Competition Authority  
 Francis Kariuki, Director General, Kenya Competition Authority  
 William E. Kovacic, Global Competition Professor of Law and Policy,  
 George Washington University Law School, USA

#### 12:45-12:50 Break

#### 12:50-13:35 MWG Plenary: Merger control in the 3<sup>rd</sup> ICN Decade

In an uncertain and fast-changing world, it is important for merger control to stay up-to-date. This ensures that anticompetitive mergers are prevented so that consumers benefit from the lower prices, higher quality products and services, greater choice and innovation that effective competition brings. In this forward looking plenary, Panellists will discuss where merger control is heading in the 3<sup>rd</sup> decade of the ICN. This session will be an opportunity to explore the most important issues competition authorities are likely to deal with in the next 10 years, whilst ensuring effective merger review processes.

Moderator: Andrea Coscelli, Chief Executive, United Kingdom Competition and

Speakers: Markets Authority  
Alexandre Cordeiro, President, Brazil Administrative Council for Economic Defense  
Margarida Matos Rosa, President, Portuguese Competition Authority  
Lina Khan, Chair, United States Federal Trade Commission  
Rod Sims, Chair, Australian Competition and Consumer Commission

**13:35-13:40 Break**

**13:40-14:10 P&I: Implementation of ICN Work Product**

The panel will showcase how diverse competition agencies around the world benefit from participating in the ICN and implementing all types of ICN work product.

Moderator: Randy Tritell, Director, United States Federal Trade Commission  
Speakers: Gudmundur Haukur Gudmundsson, Division Manager & International Coordinator, Icelandic Competition Authority  
Md. Mofizul Islam, Chairperson, Bangladesh Competition Commission  
Gabriel Vásquez, Director, Superintendency for Market Power Control of Ecuador  
Cecilia Mashava, Assistant Director, Restrictive Practices Division, Zimbabwe Competition and Tariff Commission  
Romanian Competition Council (TBC)

**14:10-14:15 Break**

**14:15 14:45 Closing & Presentation of ICN 2022 Host**

**Closing words by**

Csaba Rigó, President, Hungarian Competition Authority  
Andreas Mundt, President, Bundeskartellamt, Germany, ICN Steering Group Chair

**Invitation by the host of the 2022 ICN Annual Conference**

Andreas Mundt, President, Bundeskartellamt, Germany