

## REVIEW OF THE PAST ACTIVITIES AND ACHIEVEMENTS OF THE VICE CHAIR FOR ADVOCACY AND IMPLEMENTATION

Kazuhiko Takeshima

(1)

Good morning, everyone. Before I begin my presentation, I would like to thank the Swiss Competition Commission for hosting this annual conference. Thanks to their efforts, we have been able to engage in very productive discussions during the first two days of the program.

Since the 2007 Annual Conference held in Moscow, I have been serving as Vice Chair for Advocacy and Implementation. The mission of the Vice Chair is “to promote and advocate for the adoption of ICN benchmarks and use of ICN work products by competition authorities throughout the world.” The basic objective of ICN is to promote convergence and cooperation. To achieve this purpose, ICN must not only develop work products but must also actively promote the use of such work products.

Before reviewing the achievements of the Vice Chair for Advocacy and Implementation, I would like to thank Chairman Collins of the Office of Fair Trading. Mr. Collins is a resource person of the Vice Chair for Advocacy and Implementation and the moderator of this session. Without his capable support, the achievements that I am about to share with you could not have been realized in full.

I will start with a review of the past activities and achievements of the Vice Chair for Advocacy and Implementation. These achievements cover four major areas.

First is the establishment of the ICN Support System. The aim of the Support System is to promote the implementation of ICN work products by assisting ICN member agencies that are engaged in revising their laws and agency policies by identifying ICN work products of relevance to their amendments. Such assistance is particularly meaningful in the case of younger agencies. The Support System consists of AIN (Advocacy and Implementation Network) and various liaison agencies contributing voluntarily to the Support System. AIN itself is composed of the liaison officers of various Working Groups. A competition authority using the Support System receives explanations concerning relevant ICN work products and advice on implementation thereof from ICN experts. So far, the competition authorities of Vietnam and Zambia have availed themselves of the Support System. In the case of Vietnam Competition Authority, the Japan Fair Trade Commission has served as the supporting agency. Pursuant to the requests of Vietnam colleagues, support is being provided in the four areas of “market definition,” “procedure of economic

concentration,” “enforcement body,” and “leniency program.” As the first step, four lectures will be given between mid-June and the end of July via teleconferencing. In the case of Zambia Competition Commission, the supporting agency is the Bundeskartellamt of Germany. Currently, we are working with the two authorities to formulate a support plan.

The second achievement is the creation of AIN. Established last year, AIN is a network made up of the liaison officers of each Working Group. During the past year, AIN has participated in the Support System and has discussed methods for the optimization of ICN support. When requested, AIN dispatches ICN experts and promotes the use and implementation of ICN work products. For instance, when the Japan Fair Trade Commission organized a training program for developing countries held in Tokyo in September 2008, we sent out a request for lecturers through AIN. Responding to this request, Ms. Maria Coppola Tineo of the USFTC was dispatched. Her presentations to members of the competition authorities of developing countries covered a broad range of ICN activities. Such activities and presentations are extremely beneficial from the perspective of helping relatively younger agencies understand the function of ICN.

The third achievement is the formulation of the ICN Key Message. This provides easy-to-understand explanations of ICN in general and its work products. Consisting of three sections entitled “ICN At a Glance,” “ICN Frequently Asked Questions” and “ICN In-Depth,” this document is designed to respond to the diverse needs of users.

The fourth achievement relates to the leadership of the Vice Chair in discussions of the Focus Group. The Focus Group has functioned mainly on the lead of Mr. Collins, my resource person, and has discussed the various needs of members as they relate to ICN. These discussions have been summarized in a report, which provides the basis for this session.

As my next topic, I would like to review various initiatives and activities that the Vice Chair for Advocacy and Implementation is scheduled or planning to undertake in the future. These initiatives have been formulated in light of the discussions of the Focus Group.

First of all, the activities of the newly established Support System will be continued, and efforts will be made to improve the Support System by incorporating the comments of those who have used it. To promote its wider use, the ICN website and other means will be employed to advertise the Support System, and information will be gathered concerning competition authorities that are considering revisions of related laws. I am certain that by improving the Support System and increasing its use, ICN members will gain a better understanding of the benefits of ICN work products and that this in turn will promote their wider use and implementation. This meets the

requirements outlined in Focus Group “Developing possible advocacy role/voice for the ICN.”

Second, the Vice Chair is searching for effective forums for promoting the use and implementation of ICN work products. For instance, the Japan Fair Trade Commission is currently working on a joint project with the Asian Development Bank that will be co-hosted by ICN. A public conference for this project is scheduled to be held in January 2010. I will be attending this conference as ICN Vice Chair for Advocacy and Implementation and will have an opportunity to introduce ICN work products to the participants. To further promote the use and implementation of ICN works products, we are also looking for similar opportunities for the dispatch of experts to various types of training courses and conferences. We hope to use AIN to dispatch ICN experts to meetings of other international organizations working in the areas of competition law and policy. These activities correspond to the needs outlined in Focus Group “Facilitation of technical assistance.” In addition, by dispatching ICN experts to regional organizations, we will be meeting the needs identified in “Promoting regional/local fora.”

Third, this year’s Key Message will be posted on the ICN website. Other means will also be explored for efficient distribution of the message to interested parties to promote better understanding of ICN.

The Vice Chair for Advocacy and Implementation will continue to promote the use and implementation of ICN work products among member agencies. The discussions in today’s panel will certainly be taken into account as we pursue new options. I believe that the combination of all of these activities will effectively respond to the needs outlined in “Developing possible advocacy role/voice for the ICN.”

This completes my comments. Thank you.

(2)

As I mentioned earlier, in addition to developing ICN work products, it is important for these work products to be actually used and implemented by ICN members. ICN has put together a large body of very practical and useful work products that have been extracted from the experiences and knowledge of competition authorities throughout the world. The point is that many people may not know what work products are available or may not be familiar with their contents. Probably, this is particularly true of relatively younger agencies, competition authorities that have recently joined ICN, and persons and organizations outside ICN. What can we do to promote the use and implementation of ICN work products that we have put together through a great deal of effort? First of all, we must publicize this body of work products and explain their benefits and usefulness to those both inside and outside of

ICN. I am certain that the work products will be far more widely used and implemented once their contents and usefulness become generally known. In this context, I believe it is very important to develop an advisory framework equipped to handle the questions that may arise from member agencies regarding such matters as the method of implementation of work products.

It is for this reason that last year I established the Support System as Vice Chair for Advocacy and Implementation. The aim of the Support System is to respond to requests for support from member agencies by formulating a tailor-made support plan that incorporates appropriate ICN work products. In providing support, we consult with related working groups. Obviously, the Support System is very new and there is much room for future improvement. As Vice Chair for Advocacy and Implementation, I am committed to working in the operation and betterment of the Support System.

Notwithstanding the significant regional and economic differences that exist among its members, ICN has functioned as a single and integrated unit throughout its history. The purpose of ICN is to promote the international convergence of competition laws and to develop cooperative relations among member authorities. In light of this mission, I believe that ICN should continue to be centered on such unified activities.

On the other hand, ICN membership has become far more diverse in recent years. This means that regional and local forums for sharing of experiences can be beneficial. Two reasons can be given for this. First, competition authorities that face similar regional and economic conditions tend to share specific issues and challenges. If certain sets of issues and conditions are common to specific groups of authorities, then it would be beneficial to discuss ICN values and the use and implementation of ICN work products in separate forums that stand apart from the unified ICN framework. Second, regional activities would be less affected by differences in time zone, language, and culture, and would provide greater opportunities for face-to-face discussions.

For these reasons, I believe it will be useful to pursue regional and local discussions. A realistic approach would be to encourage cooperation with existing regional and local frameworks.

A very good example of this type of cooperation can be seen in the arrangement between the Japan Fair Trade Commission and the Asian Development Bank that I mentioned earlier. ICN can enhance its level of public recognition by working with the Asian Development Bank, which is already very well known throughout the Asian region. The arrangement also has advantages for ADB because it provides access to a wealth of expert knowledge and experience related to competition laws and policies. Another example is the regional teleconferences organized by CPI working group.

These teleconferences include global conferences covering all ICN member authorities, as well as regional conferences for members in a particular region of the world. The principal participants in the East Asian Conference were members of the East Asia Conference on Competition Law and Policy and the East Asia Top Level Officials' Meeting on Competition Policy, the existing cooperative frameworks for competition authorities in the East Asian region. I understand that the participants engaged in very active discussions. Participation in teleconference discussions can be quite difficult for competition authorities in regions where English is not the mother tongue. However, I believe that the utilization of existing regional frameworks made active discussion possible.

In the future, I look forward to cooperating with the Vice Chair for International Coordination to consider how the use and implementation of ICN work products can be promoted by utilizing existing organizations and frameworks. An example of this comes to mind for developing cooperative relations with the East Asia Conference on Competition Law and Policy and the East Asia Top Level Officials' Meeting on Competition Policy, which I mentioned earlier. Both of these frameworks were established in 2004 for such purposes as developing a common understanding of the importance of competition laws and policies throughout the region. At the end of this month, they will be holding their fifth annual conference in Ulaanbaatar, Mongolia. Currently, about 15 competition authorities from the East Asian region are participating in these frameworks. I believe the utilization of these frameworks will effectively contribute to expanding the use and implementation of ICN work products.

(3)

(Response in case Chairman Collins asks about issues to be considered in the plenary session.)

The panel discussion today has provided numerous useful thoughts and ideas for the future of ICN. This makes it difficult to identify specific issues for further discussion. But if I were to offer my advice, I would say that the following issues should be taken up in the plenary session. The first issue is "implementation of ICN work products by member authorities," a priority matter that requires extensive future discussion. The second issue is "need for regional/local ICN activities and implementation methods." This is a discussion topic that many participants have identified as being necessary and important.

(4)

With Chairman Collins presiding, we were able to engage in very significant discussions in this session. For this, I would like to express my special thanks

to Chairman Collins. I find the discussions that we have had so far in this session today to be particularly meaningful. First of all, the discussions once again drove home the point that ICN is a gathering of agencies engaged in the actual enforcement of competition laws, and that its greatest strength lies in the implementation of practical discussions among experts from these enforcement agencies based on their experience. Second, I found it very interesting that many pointed out the need for regional and local activities. There is a number of factors behind this growing need for regional and local activities. First among these factors is the growing diversity of ICN membership. A second factor is that the extensive body of work products that has now been developed by ICN has brought us to a new stage where we must consider how to use and implement the work products while keeping in mind the specific conditions faced by individual agencies.

In light of these observations, there are three points that I wish to make concerning future ICN activities.

First, it is most important and meaningful for ICN to continue to focus its attention on practical matters and pragmatic issues pertaining to the enforcement of competition laws and policies.

Second, given that ICN is committed to the convergence of competition laws and policies, global discussions should continue to have a central position in ICN. On the other hand, ICN is now a large organization as membership has increased to nearly one hundred. In this environment, it will prove increasingly meaningful to supplement our global discussions with regional and local activities.

Third, ICN has achieved many successes and has accumulated an extensive body of work products. This lends added importance to actually adopting and utilizing these work products.

I would like to make some brief supplementary comments regarding the need for regional ICN activities. I feel that each of the three Vice Chairs has something special to contribute to the need. The Vice Chair for International Organizations can promote greater cooperation with regional organizations; the Vice Chair for Outreach can encourage ICN members from various regions of the world to participate actively in ICN; and as Vice Chair for Advocacy and Implementation, I believe I can encourage member authorities to use and implement ICN work products in regional organizations and frameworks. I will continue to work with the other two Vice Chairs to develop activities that respond to the needs of the members.