



Building Digital Capacity to Strengthen and Support Law Enforcement Agencies

Washington, DC, USA, 25-26 March 2024

On March 25-26, representatives from digital markets and technologist teams from competition and consumer protection authorities participated in the International Competition Network's (ICN) Technologist Forum. More than 20 agencies convened with the goals of sharing experiences and promoting increasing digital and technology capacity in regulatory and enforcement agencies. It is the first such global meeting of technologists from competition and consumer protection agencies. This Forum was organized by the International Competition Network's technologist group and hosted by the U.S. Federal Trade Commission. The plan to organize this Forum was part of the ICN mission to draw on the existing knowledge and best practices of government agencies who share a common mandate.

It is increasingly important to use existing legal and enforcement tools in digital and technology cases and develop and implement new or updated tools and approaches to strengthen investigations and agency missions. Based on the recognition that technology is a critical piece of enforcing the laws in our respective jurisdictions, the following findings were discussed and advanced at the Forum and will inform future work of the technologist group.

Recognizing the Need to Strengthen Capacity Due to the Increasing Digitization of the Economy

1. **Recognize technology is broad** – With the increasing digitization of the economy, many companies have critical technology components – ranging from key infrastructure, algorithms, and Artificial Intelligence to business models that are based on data collection and processing practices. To assess the behavior of companies, it becomes more and more important to be able to better understand the potential benefits and risks of technology. As a result, the capabilities and knowledge of digital and technologist teams will be relevant and important to an ever-greater share of the work of agencies.
2. **Take timely action** – Be it detecting consumer harms or anticompetitive conduct, targeting unlawful practices before they are widely adopted, or assessing market conditions that could lead markets to tip – timely intervention can help us tackle problems at their inception, limiting harms, promoting greater competition for innovation, and saving resources over the long term.
3. **Foster interdisciplinary coordination** – It is important to incorporate a greater range of technological skillsets into agency work and to foster greater collaboration among legal,

economic, and technology disciplines. Agencies can approach cases, research, and other policy tools from an interdisciplinary perspective, as appropriate to the scope of our agency missions.

4. **Apply cross-agency and intra-agency coordination** – It is important to value cross-agency and intra-agency coordination, where appropriate, to support meaningful agency oversight of digital and technology sectors. This can help identify and address interconnections between the conditions that give rise to harm, legal violations, or concerns under our applicable legal frameworks.

Recognizing the Need to Strengthen Enforcement Efforts Through Increased Technical Capacity and Expertise

5. **Establish and strengthen technology expertise** – It is essential that our agencies continue to strengthen digital and technological capacity to support agency missions and build the skills and capabilities of staff (in-house or in strategic collaborations, e.g., with universities). This includes relying on and integrating new profiles into agencies, such as technologists, software and hardware engineers, product managers, UX designers, data scientists, investigative researchers, and subject matter experts in areas such as machine learning, artificial intelligence, and augmented and virtual reality.
6. **Apply expertise to law enforcement** – Closely integrating technical expertise, tools, and methods will strengthen law enforcement that aims to protect consumers and competition. This will help agency teams to conduct more efficient, rigorous, and faster investigations, reduce information asymmetries and blind spots, and get more effective remedies and better outcomes. With the right technical expertise, competition agencies can make the most of technology for detection purposes and to develop more effective tools for enforcement.
7. **Strengthen horizon scanning** – The pace and volume of tech developments means that agencies need to be alert and responsive to anticipate problems and take swift action. Among other tools, horizon scanning initiatives can be critical to track and highlight new developments, opportunities, and threats in technology and how they relate to consumers and markets.

Recognizing the Need to Strengthen International Agency Cooperation at the Level of Technical Experts

8. **Share best practices** – Agencies will continue to engage in discussions at the expert level with the aim of developing and sharing best practices, elevating agency missions, and facilitating ad hoc discussions to inform timely, relevant, and appropriate enforcement and regulatory action to protect competition and consumers in increasingly digitized economies.

Participating agencies:

Australian Competition and Consumer Commission
Federal Competition Authority, Austria
Competition Bureau, Canada
Conselho Administrativo de Defesa Econômica, Brazil
Directorate-General for Competition, European Commission
Autorité de la concurrence, France
Bundeskartellamt, Germany
Autorità Garante della Concorrenza e del Mercato, Italy
Japan Fair Trade Commission
Competition Authority of Kenya
Malaysia Competition Commission
Comisión Federal de Competencia Económica, Mexico
The Netherlands Authority for Consumers and Markets
Autoridade da Concorrência, Portugal
Competition and Consumer Commission of Singapore
Competition Commission of South Africa
Comisión Nacional de los Mercados y la Competencia, Spain
Swedish Competition Authority
Competition Commission, Switzerland
Turkish Competition Authority
UK Competition and Markets Authority
U.S. Department of Justice, Antitrust Division
U.S. Federal Trade Commission