



**Asia-Pacific  
Economic Cooperation**

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**2013/SOM1/CPLG/012**

Agenda Item: 7

## **Cartel Working Group of the International Competition Network**

Purpose: Information  
Submitted by: Canada



**Competition Policy and Law Group Meeting  
Jakarta, Indonesia  
3-4 February 2013**

## Cartel Working Group of the International Competition Network

APEC Competition Policy Law Group  
Jakarta, Indonesia  
February 3, 2013

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## Outline

- Overview of the International Competition Network
- Cartel Working Group
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- Subgroup 2: Enforcement Techniques
  - Current Projects
  - Past Projects
- Joint ICN-OECD Project
- How to Get Involved



## Overview of the International Competition Network

- Established in 2001 by 14 jurisdictions.
- Guided by the ICN Steering Group.
- Currently, there are over 125 member agencies from 111 jurisdictions.
- The ICN has five Working Groups:
  1. Advocacy Working Group,
  2. Agency Effectiveness Working Group,
  3. Merger Working Group,
  4. Unilateral Conduct Working Group, and
  5. Cartel Working Group.



## Cartel Working Group

- Co-chaired by the United States Department of Justice, the German Bundeskartellamt, and the Japan Fair Trade Commission.
- 1. Subgroup 1: Legal Framework (SG 1)
  - Co-chaired by the Colombian Superintendent of Industry and the European Commission, DG Competition.
- 2. Subgroup 2: Enforcement Techniques (SG 2)
  - Co-chaired by the Competition Bureau of Canada and the Australian Competition and Consumer Commission.



### Subgroup 1: Legal Framework (SG 1)

- This subgroup addresses legal and conceptual challenges of anti-cartel enforcement.
- The focus of the subgroup is examining policy-level issues of the institutional and investigative framework for the detection and punishment of hard-core cartel conduct.



### Subgroup 1: Legal Framework (SG 1)

#### Current Projects

- Call Series on Leniency
  - Remaining calls:
    - **February 12<sup>th</sup> 2013:** Problems, pitfalls and recurring issues,
    - **March 13<sup>th</sup> 2013:** Problems, pitfalls and recurring issues, such as actual cooperation and coordination among competition authorities, and
    - **April 8<sup>th</sup>, 2013:** Topic to be determined.
- SG 1 has also organized two 'Asia-Pacific Friendly Calls' on Developing a Leniency Program:
  - January 31, 2013, and
  - Early March 2013.



## Subgroup 1: Legal Framework (SG 1)

### Past Projects

- Cooperation Report (2007)
  - Assesses cooperation between competition agencies in cartel investigations.
  - Outlines tools of cooperation and possible ways to improve cooperation.
- Cartel Settlements Report (2008)
  - Outlines types of cartel settlement systems, key principles to inducing cartel settlements, benefits of cartel settlements and other topics.
- Trends and Developments in Cartel Enforcement Report (2010)
  - Survey of ICN Cartel Working Group Members.
  - Compilation of responses from Members in 46 Jurisdictions.
- All reports are available on the ICN's website:  
[www.internationalcompetitionnetwork.org](http://www.internationalcompetitionnetwork.org)



## Subgroup 2: Enforcement Techniques (SG 2)

- This subgroup aims to improve the effectiveness of anti-cartel enforcement by identifying and sharing specific investigative techniques.
- This subgroup also works to advance the education and information sharing agenda of the Cartel Working Group.



## Subgroup 2: Enforcement Techniques (SG 2)

### Current Projects

- Anti-Cartel Enforcement Manual
  - Chapter on “International Cooperation and Information Sharing”.
- 2013 Cartel Workshop will be held in Cape Town, South Africa in the fall.
- Anti-Cartel Enforcement Templates
  - Summarizes the main features of each jurisdiction’s rules and procedures.
  - Currently compiling new and updated templates.



## Subgroup 2: Enforcement Techniques (SG 2)

### Past Projects

- Anti-Cartel Enforcement Manual
  1. Searches, Raids and Inspections
  2. Drafting and Implementing an Effective Leniency Program
  3. Digital Evidence Gathering
  4. Cartel Case Initiation
  5. Investigative Strategy
  6. Interviewing Techniques
  7. Cartel Case Resolution
  8. Cartel Awareness, Outreach and Compliance
- There is also a compilation of “Good Practices” from the Manual.
- The Manual is available on the ICN's website:  
[www.internationalcompetitionnetwork.org](http://www.internationalcompetitionnetwork.org)



## ICN-OECD Joint Project

- “Questionnaire on International Enforcement Co-Operation: Status Quo and Areas for Improvement”.
- Purpose was to survey current practices on international cooperation and identify areas of improvement.
- Responses received from 46 agencies to date.
- Results of the survey should advance international cooperation between enforcement agencies.
- Results will be presented at the 2013 ICN Annual Conference to be held in Warsaw, Poland in April.



## How to Get Involved

- All competition agencies are encouraged to become a member of the Cartel Working Group.
  - Contact the co-chairs to become a member and to be put on the mailing list:
    - Cartel Working Group: [icn-cartels@jftc.go.jp](mailto:icn-cartels@jftc.go.jp)
    - SG 1: [COMP-ICN-CARTELS@ec.europa.eu](mailto:COMP-ICN-CARTELS@ec.europa.eu)
    - SG 2: [ICNCartels.Enforcement@cb-bc.gc.ca](mailto:ICNCartels.Enforcement@cb-bc.gc.ca) or [ICNCartelsSubgroup2@ACCC.GOV.AU](mailto:ICNCartelsSubgroup2@ACCC.GOV.AU)
- Ways to engage in the Cartel Working Group:
  - Participate in the annual Cartel Workshop,
  - Present and/or listen on a webinar call series,
  - Become a member of a drafting team, and
  - Assist in writing, or provide comments on work products.



