ICN Agency Effectiveness Working Group
2016-2019 Work Plan

MISSION

The mission of the Agency Effectiveness Working Group (AEWG) is to identify key elements of a well-functioning competition agency and develop best practices for agency strategy, planning, operations, and procedures.

ORGANIZATION

The Group comprises over 60 ICN members and also includes legal, economic, and academic NGAs from around the world. The Working Group leadership team for 2016-17 includes the Finnish Competition and Consumer Authority, the Competition Commission of India, [TBD]. The Working Group holds periodic teleconferences open to all members and NGAs.

LONG TERM GOALS

To achieve its mission, the Working Group strives to:

- provide a forum for sharing agency operational experiences and practices
- encourage agencies to evaluate their effectiveness and improve the quality of agency operation and procedures
- develop operational guidance for an effective agency, including investigative process
- through the ICN Training on Demand project, develop online training modules on competition policy and enforcement issues that highlight ICN work product
- promote implementation of the Group's work product

Agency Effectiveness Working Group
2016-2019 STRATEGIC PLANS

Over the next three years, the AEWG will guide its work program based on the following considerations:

Goal: Build consensus and develop agency guidance

The Working Group will pursue topics of relevance to the functioning of a competition agency, welcome widespread input from members and NGAs, identify and share agency experiences, and develop work product that provides useful guidance to member agencies. The AEWG has as its objective to provide competition agencies with ideas, tools, procedures and best practices that can help them enhance their effectiveness.

Goal: Create new work product that addresses the needs of ICN members.

New Working Group wide work will address issues of relevance across ICN's membership. The Working Group has a range of work product formats to deliver value for ICN members, including comprehensive overviews of member practices on a specific topic as in the Agency Practice Manual chapters, ICN Training on Demand online training videos, consensus guidance recommendations, and informative WG and NGA issues papers.

Topics for possible consideration of new work over the next three years include:

- *How agencies use public consultations*: compare the many ways competition agencies use public consultations for new rules, policy issues, enforcement guidelines, public workshops, etc.
- *Key choices in agency organization*: examine specific internal organizational choices that competition agencies make and how design choices can improve agency effectiveness. Illustrative choices: whether to have specialized, industry-focused or enforcement-type units; and if/how economic, legal, policy or international units are organized within the agency.
- *Effective technical assistance*: examine agency-to-agency technical assistance with particular emphasis on the views of experienced providers and recipient agencies about what is effective.

Goal: Promote implementation of existing work product

The Working Group will continue to promote, encourage implementation of, assess the use of, and consider feedback on its existing work. Work product that will be prioritized for implementation efforts includes the Investigative Process guidance, and ICN Training on Demand modules. Formats for promotion and implementation will include

Working Group calls and webinars, workshops, and efforts to solicit feedback on and gauge the use of the work product.

Goal: Strong member and NGA participation

The Working Group will continue to engage ICN members and NGAs through the development of new work product of value to Working Group participants; implementation efforts for existing work product; teleseminars, webinars and discussion calls on timely topics of interest; workshops; and other interaction. NGAs will remain an integral part of the AEWG's work, with all members encouraged to invite and involve active NGA participation.

**Agency Effectiveness Working Group
2016-2017 ANNUAL PLAN**

1. <u>**New Topics: Comparative Work**</u>

Agency communication: web & social media strategy and use

> This project will examine how competition agencies communicate externally via social media and their websites. The aim of the project is a comparative overview addressing questions such as what types of social media are used, how are they used, what value do the agencies get from their use, and what are common, useful components of agency websites. This project would include an agency practices survey for member input and a written work product informed by the member input.

Competition agency staff training programs

> This project will examine what agencies do to train their investigative staff. The output would be a comparative overview of the range of training tools and exercises that agencies use, with the possibility of compiling training materials to share among member agencies. This project would include an opportunity for member input and a written work product informed by the member input.

2. <u>**Experience Sharing & New Topic Development**</u>

The Working Group will continue its discussion call series on engaging topics for member experience sharing and to scope potential topics for additional WG work. For 2015-16, this will include, but not be limited to, discussion of:

New IT and Digital Tools in case management

> The aim of this call series is to share experiences among agencies on new digital tools and procedures related to digital evidence in case management and other IT tools that have contributed to improve agency effectiveness. This may involve collaboration with the Cartel or Merger working groups, and may lead to written tips or a compilation of agency policies and practices.

3. <u>**Oversight of the ICN Training on Demand Project**</u>

The Working Group will continue its oversight and support of the ICN Training on Demand Project (ITOD). The ITOD is led by the US FTC and a project group of interested members, including representatives from each Working Group, and NGAs that volunteer to develop modules and contribute to overall project planning. The ITOD is a primary ICN tool for developing training materials for members on topics relevant to competition law enforcement. It draws on members' accumulated experience and

promotes implementation of ICN work product. The ITOD project team will develop, approve and guide future module topics (~3-4 per year) and appropriate formats with volunteer members, NGAs, and Working Groups. The Project will draw upon the insights of Working Groups, ICN work product, and individual member agencies to contribute to the development of new modules.

The ITOD project team will seek feedback from users to evaluate the existing modules to ensure the project is meeting the expectations of its target audiences and to consider potential improvements as well as topics for new modules.

4. **Promotion & Implementation of AEWG work**

The AEWG will pursue opportunities to promote its existing work, solicit and consider feedback, and gauge its use by and usefulness to members.

Of particular relevance for 2016-2017 will be the promotion of the AEWG-developed Investigative Process guidance, a work product that addresses how enforcement tools and procedures can contribute to enhancing the effectiveness of agencies' investigative processes. The Working Group will welcome feedback on the use and relevance of the guidance for consideration for potential translation or adaptation of the guidance, developing explanatory or complementary work and an ICN ITOD module in support of the guidance, and promoting awareness of the guidance within the ICN (e.g., enforcement WG workshops) and in other organizations (e.g., APEC's international best practices training series).

The AEWG will also use opportunities to organize future workshops in 2017 or beyond (or support other WG workshops), its annual conference breakouts, and periodic teleseminars to highlight its existing body of work, notably the topics addressed in the ICN Agency Practice Manual.

PROJECT 1

Title	Agency communication: web & social media strategy and use
Description and output	Comparative overview of agency social media use. To include an agency practices survey for member input and a written work product.
Output achieved	Overview of how social media is used: could include advice on social media use for agencies as well as the ICN.
Assessment of Timing	Results for 2017 annual conference
Entities/Persons Responsible	FCCA (Finland)
Implementation	n/a; new project
Evaluation	New project; aims to attract broad participation.
Other learning	Could inform ICN's communication strategy.

I.   PROJECT 2

Title	Competition agency staff training programs
Description and output	Examination of what agencies do to train their investigative staff. Comparative overview planned via written output; may also include a compilation of training materials.
Output achieved	Advice and ideas for agencies to improve their training programs.
Assessment of Timing	Results for 2017 annual conference.
Entities/Persons Responsible	CCI (India)
Implementation	n/a; new project
Evaluation	New project; aims to attract broad participation.
Other learning	Informed by agency practices.

PROJECT 3

Title	New IT and Digital Tools in case management
Description and output	Discussion call series to share experiences among agencies on new digital tools and procedures related to digital evidence.
Output achieved	Experience sharing and exchange of ideas and practices on topic
Assessment of Timing	2016-2017 series of calls; potential future written work to be assessed after
Entities/Persons Responsible	FCCA (Finland). Potentially in cooperation with CWG and MWG.
Implementation	n/a
Evaluation	New project.
Other learning	To seek support from MWG and CWG.

PROJECT 4

Title	ICN Training on Demand (ITOD)
Description and output	AEWG will continue oversight and support of the ITOD project. ITOD develops online training materials on topics relevant to competition law enforcement.
Output achieved	ITOD includes over 20 modules, with the aim to add ~3-4 per year.
Assessment of Timing	3-4 new modules for 2016-17
Entities/Persons Responsible	US FTC leads a project group that includes representatives from each WG and NGAs
Implementation	ITOD modules draw on members' accumulated experience and promotes implementation of ICN work product.
Evaluation	Feedback from users.
Other learning	Draws from and highlights existing ICN work.

PROJECT 5

Title	II. Promotion & Implementation
Description and output	Includes outreach to members, workshops, and promotion and implementation of existing AEWG work.
Output achieved	Promotion of AEWG work via 1) implementation work on Guidance on Investigative Process and 2) workshop highlighting agency operations (Agency Practice Manual topics)
Assessment of Timing	Ongoing efforts; implementation work for 2017 annual conference, workshop for 2017
Entities/Persons Responsible	Workshop planning: NCA Implementation project: US FTC
Implementation	2016-17 work focused on Guidance on Investigative Process.
Evaluation	Feedback from users and workshop participants.
Other learning	n/a