

ICN Annual Conference 2025 Session Summaries

Working Group Sessions

Advocacy Working Group

Plenary: Competition in All Policies: A Balancing Act?

This session explores the integration of competition policy within broader public policy frameworks. The objective of the session is to equip participants with innovative advocacy strategies and approaches to effectively promote the inclusion of the competition lens into various policy domains. This session will:

1. Showcase examples of successful incorporation of competition principles across various policy sectors.
2. Analyse the complexities involved in aligning competition objectives with other policy priorities.
3. Explore the use of innovative advocacy methods and tools designed to harmonise competition policy with other governmental aims, enhancing its appeal to policymakers.

BOS 1: Advocating for competition in emerging areas – food & agriculture, digital economy, BigTech & AI

These are emerging areas of competition regulation that are crucial for promoting innovation, consumer welfare, and economic growth. As these industries evolve rapidly, often driven by a few dominant players, there is an urgent need for regulatory frameworks that foster healthy competition, prevent monopolistic practices, and encourage the development of diverse market players. This discussion will explore the role of competition policy in these sectors, the challenges associated with regulating them, and the benefits of fostering a competitive environment for both businesses and consumers. Specific areas of focus:

1. Examine the Importance of Competition in Emerging Sectors
2. Understand the Challenges of Regulating New Markets
3. Assess the Role of Government and Regulatory Bodies
4. Analyse the Impact of Monopolistic Practices
5. Evaluate the Benefits of Competitive Markets
6. Propose Solutions to promote competition
7. Explore Future Trends and Opportunities

BOS 2: Collaborations between competition authorities and sector regulators on emerging areas

Traditionally, there has been a debate on how competition authorities should interact with sector regulators in discussions of deregulation in areas such as natural monopolies. More recently, attention has been focused on the involvement of competition authorities and competition policy in emerging issues such as pursuing sustainability goals and protecting personal data. Understanding how competition policy and sector regulations may conflict within these emerging topics, and seeking to understand how they can also coordinate effectively, is important for reducing uncertainty for market participants.

This BOS aims to collect experiences on how competition authorities have been interacting with sector regulators mainly in the areas of sustainability and data privacy. Referring to the findings of the AWG project “Interactions between Sector Regulators and Competition

Authorities”, the discussion will cover effectiveness and challenges of tools of collaborations between competition authorities and sector regulators, including joint guidelines, MOUs and legally backed frameworks.

BOS 3: Advocating for fair competition in public procurement

This session addresses the role of competition advocacy in reforming procurement frameworks to enhance transparency, reduce entry barriers, and deter anti-competitive practices. Given the significant impact of government procurement on markets, it is important for ensuring fair opportunities for various market players, particularly SMEs. Participants are invited to share diverse perspectives and experiences, highlighting unique procurement challenges specific to their jurisdictions, such as varying legal frameworks, economic conditions, or market dynamics.

Agency Effectiveness Working Group

Plenary: New antitrust powers and tools in a fast-changing world

This plenary aims to show how new antitrust powers (e.g. new competition tools, below thresholds merger review, abuse of economic dependence and relationships with regulators) and tools (e.g. data scientists, horizon scanning, enhanced cooperation) are applied by competition agencies to tackle current competition challenges. This will be an interactive panel discussion with a moderated Q&A.

BOS 1: The role of economists in effective enforcement: Best practices, success stories and challenges in applying economics to competition analysis

This session will showcase good practices and introduce interesting cases in economic analyses executed in mergers, unilateral conduct, cartels, market studies / sector inquiries, and generate discussion about them. Attendees will rotate between tables, with each moderator leading a discussion on the role of economic analysis in specific areas.

BOS 2: Ex-post impact assessments of enforcement and advocacy work

This session will introduce recent ex-post assessments executed by NCAs or third parties (consultants, academics) in relation to merger, antitrust decisions or advocacy initiatives, highlighting the pros and cons of the approach taken. After each presentation, the related issues will be discussed at table level, with a table facilitator encouraging participants to share their experiences, as described below.

Table 1: Resources, Time and Data

The ICN Survey concludes that “[n]umerous non-active respondents have *considered* conducting retrospectives recently but decided against it, mainly due to resource and time constraints.”

- What are the experiences of your authority with ex-post assessment? Have these challenges refrained it from engaging in retrospective studies?
- How has your agency addressed challenges raised by scarce resource/data?
- How can ICN AEWG support increased use of ex-post assessments?

Table 2: Prioritisation

Agencies engage in numerous activities every year, but they have limited human and financial resources that can be devoted to the ex-post evaluation of these decisions. Hence, they must select which activity to assess with the aim to maximise the benefit they can obtain from these exercises.

- Do you think that retrospective studies are better suited for assessing the impact of enforcement actions (and which ones?) or advocacy initiatives?
- What factors should be taken into account when selecting activities for ex-post studies?

- How can ICN AEWG support better prioritisation of ex-post assessments?

Table 3: Methodology

The choice of methodology to employ in retrospective analyses is dictated by a number of factors, including the goal of the study, but also the nature of the data available, the time available for the analysis, and the skills of the evaluation team. T

- What are the most commonly used methodologies by your authority in ex-post evaluations?
- What are the pros & cons of quantitative vs qualitative methods?
- Should ICN AEWG develop a methodological guide for ex-post assessments?

Table 4: Implementation and Impact of Results

Ex-post evaluations can help determine if an authority initiative has reached the objectives it aimed to achieve and, if not, for what reasons. This in turn can provide useful lessons for the better design of future interventions. Retrospective analyses can also provide greater transparency about the work undertaken by policy institutions and allow successes to be measured and communicated.

- Why are ex-post evaluations of enforcement decisions undertaken by your authority?
- How does your authority use the findings of ex-post assessment?
- Should ICN AEWG work on how to improve impact from findings of ex-post assessments?

BOS 3: Navigating the ICN Recommended Practices for investigative process: Enhancing due process with effective tools

This interactive session will explore how to strengthen due process in investigative processes through the use of [ICN Recommended Practices](#) and the [Competition Authority Procedures \(CAP\) Framework](#). The format will include a combination of room-wide presentations and small group discussions. Facilitators will present controversial statements related to due process, paired with relevant ICN practices, followed by table group discussions to delve deeper into the issues.

Cartels Working Group

Plenary: Opportunities and challenges: the fight against cartels

This session will focus on the use of proactive detection tools to detect cartels and how technology is being used to both assist in the detection of and the investigating of cartels. It will also consider the challenges presented by new types of infringement such price signaling and new technologies (algorithms, artificial intelligence, blockchain, etc.) as a vehicle for collusion.

BOS 1: The launch of the CWG Anti Cartel Enforcement Manual updated Chapter 1 on Raids

This session will explore the main changes in the chapter on organising the raid, coordination with other agencies, conducting the raid, alternative strategies for raids, obstruction and seizing evidence.

BOS 2: Cross-border collaboration in detecting cartels (agency only)

This session will discuss the future of international cooperation to:

1. detect cartels (focus on agencies working together to assist one another in getting intel leads etc);
2. collaborate on enforcement; and
3. a future cooperation toolkit specifically for cartels.

BOS 3: Using data science or any other technological process or tool to detect cartels for example to detect bid rigging in public procurement and other types of cartel activities.

This will be an interactive session to explore and share ways that agencies are using data science or any other technological process or tool to detect cartels.

Mergers Working Group

Plenary: Entrenchment theories of harm in merger reviews

Where mergers may lead to the creation or strengthening of a dominant position, such as with anticompetitive transactions, it may allow the merged entity to widen or deepen its 'economic moats' and to entrench its market power. As a result, such mergers may not only weaken the existing degree of competition but also undermine the future contestability of the market. Generally, entrenchment is more likely in markets with significant barriers to entry, e.g. in industries characterised by economies of scale, scope or network effects or in markets where intellectual property or interoperability plays a significant role. Similarly, complementarities between related products may allow entrenching a dominant position by raising barriers to entry. Such complementarities may exist within a vertical chain of inputs, among related products within a digital ecosystem, or in multi-sided markets. Especially in digital ecosystems, entrenchment is often characterised not by a single distinct mechanism, but by a combination of mutually reinforcing effects that weaken competition and harm contestability. Mergers of complements in an ecosystem of applications may allow the merging firms to entrench market power and create a protective moat that exploits the complementarity of the merging products. As a result, it may become more and more difficult to challenge the integrated portfolio of services offered by the incumbent as entry points for efficient rivals are closed. The plenary will explore which mergers may lead to entrenchment and the main ToH developed by agencies.

BOS 1: Unconventional merger remedies

This BOS in the form of a panel discussion will explore non-traditional merger remedies and their practical challenges. It will focus on innovative approaches to merger remedies in terms of their approach, the type of remedy, or the issue they aim to address. It may for instance be around employment, sustainability, innovation, etc.

BOS 2: Market definition in digital mergers

This interactive BOS session will allow participants to discuss key principles of market definition and best practices, particularly as they apply to digital markets. This will include discussion about the challenges involved in defining markets in the digital landscape and potential differences in defining markets in more "traditional" industries versus digital ones. This interactive session will enable participants to share best practices and innovative approaches to market definition in digital mergers. The session will be organised into small roundtables. Facilitators will be at each table and will help facilitate smaller group discussions.

BOS 3: Review of mergers below the reporting thresholds: Comparative approaches

Problematic mergers that fall below the reporting thresholds remain a challenge for many competition agencies, and recent deals in the digital, AI and biotech spheres have reignited this debate. This BOS session will be held in the form of small round table discussions, where speakers at each table will be able to contribute their national experience and discuss specific aspects of the review of such mergers (including for instance jurisdictional aspects, detection and third parties' complaints, cooperation with other competition authorities, engagement with parties to the transaction, merger assessment, existing decisional practice, etc.). Facilitators will lead the roundtable discussions and then report the main findings to the wider group.

Unilateral Conduct Working Group

Plenary: Challenges ahead in antitrust enforcement: Assessing dominance/exclusionary abuses/standard of proof/economic assessment

This plenary will address key developments in the area of unilateral conduct, including enforcement trends, market power in the digital economy, questions of standards of proof and how to ensure effective enforcement of unilateral conduct rules.”

BOS 1: Current trends and challenges in Digital Markets

In this Breakout Session panelists will discuss the most prominent trends and challenges faced by competition authorities in dealing with today's fast paced and innovative digital economy, where new products and services arise daily to change how markets operate. It will be an opportunity to share experiences in topics such as platform regulation, artificial intelligence and remedies in digital markets.

BOS 2: Synergies between unilateral conduct enforcement and merger review

This session will be an opportunity to discuss the coincidences between the analysis of mergers and unilateral practices cases. The goal is to come up with ideas that make enforcement more efficient and seize the synergies between these two policies. These two competition law regimes might coincide in their respective evaluations, especially concerning the analysis of unilateral effects in merger reviews. The following issues may be discussed in the session:

1. “Efficiencies” is a factor that may be analysed in both mergers and unilateral conduct practices.
2. Especially in technology-driven markets, the elimination of a potential competitor as a result of a merger can hinder opportunities for dynamic competition and innovation.
3. Both in unilateral conduct and unilateral effects analysis, agencies not only focus on the specific facts of the case but also create evidence based on the economic analysis. Both policies use economic tools that are most suitable for the market characteristics and competitive dynamics in question.
4. Product market definition and / or dominant position assessments might overlap and create synergies in some aspects.

BOS 3: Challenges / interplay between competition law and other regulated sectors (including self-preferencing, among other issues)

The interplay between competition law and sector-specific regulation presents complex challenges, especially when regulatory frameworks inadvertently reinforce market dominance or create barriers to entry. This session will delve into the nuanced analysis of unilateral conduct unique to such environments, including for instance self-preferencing behaviors that may lead to the foreclosure of competitors. Through a roundtable format, participants will be divided into groups, each led by a facilitator, to discuss key questions such as: How can regulators and competition authorities effectively coordinate to prevent anti-competitive outcomes in regulated industries? What analytical tools are most effective in identifying and addressing unilateral conduct in these contexts? Or how to address the effects of such conduct and the design of effective remedies. The discussion will span multiple sectors where regulation plays a pivotal role, aiming to collect best practices and lessons learned across different jurisdictions. The session will conclude with a comprehensive conclusion-sharing exercise, synthesizing insights from each group to reach substantive takeaways.

Steering Group Projects

Food Project Plenary: Global market power in food and agricultural markets

Modern agricultural and food value chains have become increasingly globalised, which has increased market access for food producers while also increasing the diversity of foods that consumers can access. These value chains, however, show an increasing tendency towards concentration and vertical integration. This changing market structure raises the risk of coordinated or unilateral anti-competitive conduct that could result in high prices, unfair trading practices or exclusionary conduct. Such conduct may be limited to one country or have cross-border dimensions. Furthermore, it raises challenges for merger control since an increase in global market power may not be detected or remedied by domestic merger assessments.

Food Project BOS: Different approaches to the same merger – the case of Bunge / Viterra or similar merger

In 2023, Bunge Global S.A. announced its intention to purchase Viterra Limited. As both parties were vertically integrated global agribusinesses, they would merge to become the world's largest agricultural commodity trader. Both companies owned large networks of country elevators, inland and port terminals, processing and milling facilities for wheat and oilseeds together with significant data and logistics systems. The merger had a strong international dimension and affected several jurisdictions around the world. As such, it was subject to merger reviews or investigation in each affected jurisdiction and with a focus limited to the merger's competitive effect within each jurisdiction and not necessarily on a global level.

Younger Agencies / Bridging Project BOS: Building a new competition agenda from the perspective of young and small agencies

In light of the new topics intersecting competition policy and the new debates that international organisations are having on them, how can small or young competition agencies contribute to the discussion? Are these new topics a priority for them? Do they face particular challenges when approaching novel topics? How can the ICN help small or young agencies to better respond to this new reality and build an inclusive agenda?

Side Sessions

Aruba BOS: Island and small economies

This session will deal with the particular challenges island and small economies face in introducing and enforcing competition law regimes. Small size, geographic isolation and lack of abundant natural resources limit trading and the economies of most islands. In this session we deal with issues such as high import and transport costs, exclusive contracts and parallel import and Mastercard banking fees. We explore the use of market studies as well as other methods to improve competition in island and small economies.

Enforcement Cooperation BOS: Bridging the gaps through international enforcement cooperation

This session will explore strategies for enhancing cross-border collaboration among competition authorities to tackle global antitrust challenges effectively. Given the increasing complexity of multinational business practices and digital markets, the session will highlight best practices for information sharing, investigative assistance and coordinated enforcement actions. It will also discuss the role of multilateral frameworks, and the challenges posed by differing legal standards and enforcement priorities across jurisdictions, focusing on examples of international enforcement cooperation and how the ICN can assist agencies in bridging the potential gaps.

HoA BOS: On emerging competition issues: Making competition policy work for the current needs of the population

In the last few years, we have seen a shift in the topics that traditionally are involved in competition policy. While competition in its core its mainly economics, there have been discussions on how it intersects with other topics such as gender equality, sustainability and even social justice, which are areas that could be more sensitive to the current needs of the population. This session will explore how competition authorities can face these new needs and make competition policy work for them.

NGA Engagement BOS: Pursuing the improvements to the NGA involvement within the ICN

NGAs will be invited to discuss how they would better collaborate in the ICN activities and with their jurisdictions, what the NGAs expect to see in ICN in the future, and the improvements needed to build a new agenda to foster their participation in the ICN.