



## **ICC TASK FORCE ON ANTITRUST COMPLIANCE POLICY HARMONISATION**

### **Terms of Reference**

#### **Alignment with ICC strategic priorities**

ICC's public policy engagement and standards setting activities include rebooting the global economy, speeding industry digitalization, enabling sustainability, and renewing the global trading system. In this context, this initiative aims to support the organization's priorities by enhancing harmonisation of antitrust compliance policy and ensure a consistent and common approach worldwide.

#### **Envisaged outputs**

The ICC Task Force on Antitrust Compliance Policy Harmonisation will focus in 2023-2024 on the second edition of the well-regarded [ICC Antitrust Compliance Toolkit](#). This will not be a major rewrite, but rather an update (e.g. to include AI violation detection tools). It is planned to launch the updated Toolkit at the ICN in 2023 in Barcelona.

- proactively identifying and contacting large groups that have made their antitrust compliance programs public to discuss these programmes and recruit new members for the Task Force;
- identifying a number of key agencies with which to start or deepen the dialogue on compliance programmes and organise in-person or virtual meetings (as appropriate) in collaboration with the national ICC Competition Commissions or local expert members in countries where the national committee has no mirror competition commission;
- participating in public consultations launched by such key agencies on antitrust compliance (e.g. by providing feedback and suggestions to the Canadian Competition Bureau's ongoing public consultation);
- exploring opportunities to promote convergence (on criteria for credible antitrust compliance programs and recognition of such programmes in antitrust decisions/sanctions) around competition authorities' practice at international fora such as OECD, ICN, and by leveraging the ICC global network;

- discussing and advising the ICC Global Competition Commission on leading the development and scope of international guidelines to enhance antitrust compliance by in-house counsel globally;
- maintaining an open communication channel with competition agencies on the challenges of compliance programmes; and
- preparing a short report identifying the jurisdiction providing credit for robust antitrust compliance programmes – at the agency level or through specific civil liability rules such as the absence of “treble damages” in the US – and explaining what businesses mean by “robust compliance programmes” and the types of “credit” they would like to be established.

## **Objectives**

The Task Force will invite the relevant authorities and in-house lawyers and deepen the dialogue on issues that directly impact companies’ business transactions and their legal counsel’s daily work. The report will be used to advocate for a harmonisation of antitrust compliance policies worldwide with a view to enhance more convergence of best practices.

## **Audience**

This project will be of significant interest to the relevant authorities, in-house counsels and policymakers from the following countries: US, EU, China, Russia, Japan, South Korea, Australia, UK, Brazil, Mexico, Argentina, Chile, Canada, India, UK, France, Germany, Italy, Spain, Poland, Austria, The Netherlands and South Africa.

## **Timeframe**

This working group aims to present a report to the Competition Commission in Q3 2023, which shall contain the initial proposed recommendations if possible.