

LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM



Comisión
Federal de
Competencia
Económica



FOURTEENTH ANNUAL MEETING OF THE LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM*

12-13 April 2016 • Mexico City, Mexico

Venue: Camino Real Polanco Hotel

DRAFT AGENDA

Chairman: Frédéric Jenny

(Chairman of the OECD Competition Committee, France)

For all materials already available, please access **Programme & Documents** at www.oecd.org/competition/latinamerica.

For registration and practical information, please visit. <http://laccf2016mexico.com/en/home-2/>.

TUESDAY 12 APRIL

<p>OPENING SESSION</p> <p>2.00 - 2.45pm</p>	<p>Opening Remarks:</p> <ul style="list-style-type: none"> ➤ Alejandra Palacios Prieto <i>Chairwoman, COFECE, Mexico</i> ➤ Gabriel Contreras Saldívar <i>Chairman, IFT, Mexico</i> ➤ María del Rocío Ruíz Chávez <i>Undersecretary for Competitiveness and Regulation Ministry of Economy, Mexico</i> ➤ Santiago Levy Algazi <i>Vice-President for Sector and Knowledge, IDB</i> ➤ Frédéric Jenny <i>Chairman, OECD Competition Committee, Latin American and Caribbean Competition Forum</i>
<p>2.45 - 3.15 pm</p>	<p>"When will Schumpeter arrive in Mexico? Informality and Competition Policy" Keynote Address by Santiago Levy Algazi, Vice-President for Sector and Knowledge, IDB</p>

* Other meetings held the same week in Mexico (Venue: Camino Real Polanco Hotel)

12 April (morning): Ibero-American Forum on Competition

14 April (morning): Public Procurement Dialogue event

14 April (afternoon): Meeting of the Latin American Regional Centre for Competition

TUESDAY 12 APRIL

3.15 - 3.30 pm	Group picture and coffee break
SESSION I 3.30 - 6.00 pm	<p>DISRUPTIVE INNOVATION IN LATIN AMERICA AND THE CARIBBEAN: COMPETITION ENFORCEMENT CHALLENGES AND ADVOCACY OPPORTUNITIES</p> <p>There are numerous technology-enabled innovations that are disrupting, or have the potential to disrupt, markets across Latin America and the Caribbean. This session will discuss the unique features of several disruptive innovations in Latin America and the Caribbean that set them apart from innovations developed in other parts of the world. For instance, several of these innovations are, in their early stages, focusing on consumers who do not currently participate in financial services markets, including individuals without bank accounts or credit scores. The session will examine some of the challenges competition authorities face when applying traditional tools to markets experiencing disruptive innovation, including difficulties associated with market definition and assessments of market power. In addition to encouraging an awareness of these challenges, the session will discuss the opportunities available to competition authorities to engage with stakeholders, including new market entrants and regulators, in markets on the verge of disruption. Choosing the right ways to engage with disruptors could encourage a balance between competition promotion through market access for new entrants with the goals of sector regulation – a particularly important outcome given the unique nature of disruptive innovations in the Latin American and Caribbean region.</p> <p>Session Chair: Frédéric Jenny (Chairman, OECD Competition Committee, Latin American and Caribbean Competition Forum)</p> <p>Presentation by Lynn Robertson, <i>Global Relations Co-ordinator, Competition Division, OECD</i></p> <p>Speakers:</p> <ul style="list-style-type: none"> • Alejandro Faya Rodríguez <i>Chief of Planning, Evaluation and International Affairs Unit COFECE, Mexico</i> • María Elena Estavillo Flores <i>Commissioner, IFT, Mexico</i> • Ignacio de Leon <i>Private Sector Lead Specialist, Competitiveness and Innovation Division, IDB</i> • David Stallibrass <i>Director, Fingleton Associates, United Kingdom</i> <p>General Discussion and Final Comments</p> <p>For Reference:</p> <p>Call for Country Contributions: English Spanish</p> <p>Background note by the OECD Secretariat English Spanish</p> <p>Paper by David Stallibrass and John Fingleton English Spanish</p> <p>Contributions from Brazil, Costa Rica (SUTEL), Mexico (COFECE and IFT), Portugal, Spain, United States, Uruguay and IDB.</p>
7.00 pm	WELCOME RECEPTION OFFERED BY COFECE AND IFT (Chapultepec Castle)

WEDNESDAY 13 APRIL

SESSION II

9.30 am - 1:00 pm

Coffee break
11-11.15 am

LENIENCY PROGRAMMES IN LATIN AMERICA AND THE CARIBBEAN: RECENT EXPERIENCES AND LESSONS LEARNED

Leniency programmes are widely used by competition authorities to detect and investigate cartels. In some jurisdictions they have a high successful detection rate and are valuable for prosecution as they can provide evidence which might not be obtained through investigation only. Such programmes rely on the incentives for businesses to bring an undetected cartel to the authority's attention in exchange for amnesty or leniency when imposing a fine on the cartel member that discloses the cartel. These incentives are stronger when the cartel members consider it likely the cartel will be detected and appropriately punished; i.e. they hinge upon the effectiveness of competition authorities' actions and severity of fines.

In the Latin American and Caribbean region a number of jurisdictions have adopted leniency programmes in the recent year, and some of them have already amended their programme to introduce features which have advanced the effectiveness of the programme itself. At the same time, some jurisdictions in the region have not yet adopted such programmes and would significantly benefit from an exchange of experiences on effective design of amnesty/leniency programmes.

This session will discuss the key features of existing leniency programmes in the Latin American and Caribbean region, highlight differences in amnesty/leniency programmes across the region, as well as explore the reasons why some of these programmes have been recently amended and the impact that these changes have had on cartel detection and prosecution in these jurisdictions.

Session Chair: Tomás Menchaca (Chair, TDLC, Chile)

Speakers:

- Carlos Mena Labarthe
Head of Investigative Authority, COFECE, Mexico
- Lucía Ojeda Cárdenas
Partner, SAI Consultores SC
- Felipe Serrano Pinilla
Former Head Advisor and Deputy Superintendent, SIC, Colombia

General Discussion and Final Comments

For Reference:

Call for Country Contributions: [English](#) | [Spanish](#)

Background note by the OECD Secretariat [English](#) | [Spanish](#)

Contributions from Brazil, Chile (FNE), Mexico (COFECE and IFT), Peru, Portugal, United States and CARICOM

1:00-2.30 pm

LUNCH BUFFET

2.30-3.00 pm	<p>"Report on Competition and International Commerce" Presentation by Eduardo Perez Motta, Partner at AGON and former Chairman of the Federal Competition Commission (CFC)</p>
<p>SESSION III</p> <p>3.00-6.00 pm</p> <hr/> <p>Coffee break 4.15-4.30 pm</p>	<p>PROMOTING EFFECTIVE COMPETITION IN PUBLIC PROCUREMENT</p> <p>Session Chair: Alejandra Palacios Prieto (Chairwoman, COFECE, Mexico)</p> <p>Short presentation of COFECE's Guidelines on Public Procurement</p> <p>Part 1: Co-operation between anti-corruption bodies and competition authorities in public procurement</p> <p>Presentation by Despina Pachnou, <i>Policy Analyst, Competition Division, OECD</i></p> <p>Speakers:</p> <ul style="list-style-type: none"> • Pierre-Yves Guay <i>Assistant Deputy Commissioner, Cartels Directorate Competition Bureau, Canada</i> • Mario A. Umaña <i>Lead Trade and Competition Specialist Integration and Trade Sector, IDB</i> <p>The most common intersection of corruption and anticompetitive conduct occurs in government procurement when bid rigging can be combined with bribery of public officials or unlawful kickbacks. The OECD has been examining the relation between bid rigging and corruption since 2010, looking at co-operation between competition, anti-corruption agencies, as well as knowledge and evidence-sharing practices.</p> <p>The 2012 OECD Recommendation of the Council on Fighting Bid Rigging in Public Procurement [C(2012)115 - C(2012)115/CORR1 and C/M(2012)9, item 137] supports close co-operation between competition and anti-corruption authorities in the area of public procurement. Such co-operation can be case-by-case (on the basis of specific requests) or more institutionalised (on the basis of co-operation agreements between the authorities).</p> <p>This session will discuss initiatives and ways to improve the effectiveness of co-operation between competition and anticorruption authorities in the Latin American and Caribbean region.</p> <p>Part 2: The use of screens to prevent and detect bid rigging in public procurement</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Rosa Abrantes-Metz <i>Managing Director, Global Economics Group and Adjunct Professor, NYU Stern School of Business, New York</i> • Javier Dávila Perez <i>Senior Procurement Specialist Financial Management and Procurement Office, IDB</i> • Ernesto Estrada González <i>Commissioner, IFT, Mexico</i> • Ana Rodrigues <i>Chief Economist, Portuguese Competition Authority</i>

	<p>Cartels continue to form and operate despite the implementation and success of leniency programmes. In public procurement, cartels consist in agreements between bidders to eliminate competition in the procurement process, thereby raising prices, lowering quality or restricting supply, thus wasting public money and depriving the public sector of genuine opportunities to provide good and cost effective services for citizens. For this reason, the fight against bid rigging has become one of the enforcement priorities of competition authorities around the world.</p> <p>Bid rigging can be best detected through a combination of reactive detection tools, like leniency programmes, and pro-active ones, like screens of procurement-related information. Screens can be structural, involving the analysis of procurement markets characteristics and flagging those markets or sectors that make collusion more likely so that precautions can be taken, or behavioural, involving studying bidders' behaviour to assess whether it is more or less likely to be consistent with collusion.</p> <p>Competition authorities in the Latin American and Caribbean region have started developing and using screening techniques to detect bid rigging, in particular behavioural screens based on the review and analysis of increasingly available bidding data.</p> <p>This session will discuss the use of screens in public procurement to prevent and detect bid rigging and relevant Latin American and Caribbean initiatives, and in particular the advantages and disadvantages of screening techniques especially for small agencies.</p> <p>General Discussion and Final Comments</p> <p>For Reference:</p> <p>Call for Country Contributions English Spanish</p> <p>Reference Paper: <i>Ex officio Cartel Investigation and the Use of Screens to Detect Cartels</i> (2013) English Spanish</p> <p>Contributions from Brazil, Colombia, Costa Rica (COPROCOM), Ecuador, El Salvador, Nicaragua, Peru, Portugal, Spain and IDB</p> <p>OECD Recommendation on Fighting Bid Rigging in Public Procurement</p>
<p>SESSION IV 6.00-6.30 pm</p>	<p>EVALUATION AND FUTURE WORK</p> <p>Session Chair : Frédéric Jenny</p> <p>General discussion, topics for LACCF 2017 and closing remarks</p>
<p>7.00 pm</p>	<p>FAREWELL COCKTAIL OFFERED BY COFECE AND IFT (National Anthropology Museum)</p>

**tea/coffee will be available outside the room*