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**INVESTIGATIVE POWER IN PRACTICE – Breakout session 2: Requests for  
Information – Limits and Effectiveness**

**Contribution from the Dominican Republic**

**- Session IV -**

This contribution is submitted by the Dominican Republic under Session IV of the Global Forum on Competition to be held on 29-30 November 2018.

More documentation related to this discussion can be found at: [oe.cd/invpw](http://oe.cd/invpw).

Please contact Ms. Lynn Robertson [E-mail: [Lynn.Robertson@oecd.org](mailto:Lynn.Robertson@oecd.org)], if you have any questions regarding this document.

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## *Investigative Powers in Practice*

### *Breakout session 2 - Requests for Information Limits and Effectiveness -*

#### **- Contribution from the Dominican Republic\* -**

1. Anticompetitive behaviors are not usually apparent because when companies decide to restrict or limit competition, they tend to do so clandestinely. It is in this context that the administrative powers of investigation are attributed to the antitrust agencies, without which it would be very difficult to achieve their objectives of promoting and guaranteeing the existence of effective competition in the markets for goods and services. In effect, regulations tend to give powerful investigative tools in the hands of agencies, which try to ensure an effective response to the existence of anti-competitive behavior.
2. In order to determine that the actions of companies are legal, information is needed. For this reason, the regulations grant to the government agencies exercising oversight and investigation faculties, the power to request information from individuals. This power to request information is reinforced, in most cases, by imposing the companies to collaborate during the investigation procedure, through the delivery of the information at their disposal, whose non-compliance could lead to the imposition of coercive fines.
3. Particularly, the faculty of investigation granted to the competition authorities is exercised in a phase recognized as preparatory or investigatory, which seeks to investigate and detect the infractions and obtain the evidence to confirm or rule out the existence of anticompetitive practices, pursuing, if appropriate, a sanction and / or correction of the distortion evidenced, in a subsequent sanctioning procedure.
4. This investigative role can be exercised through various investigative procedures, chosen at the discretion of the competition defense authorities and taking into account the concurrent circumstances and the nature of the infraction investigated. In that sense, the measure can go from a simple requirement of information to a dawn raid in order to obtain information of a relevant nature.
5. However, because the investigative activity is a power that directly affects the rights of citizens, it is subject to regulation common to any administrative intervention of limitation or ordination, such as the principles of proportionality and “reserva de ley”, under which the different antitrust legislations contains the substantive regulation that delimits the scope of the actions of each authority.
6. In any case, the investigation procedure must strictly conform to the principles of legality, rationality, effectiveness, objectivity, equality, transparency, economy, proportionality, publicity and due process, which in the case of the Dominican Republic are required by both the Constitution and by the People’s Rights in their relations with the

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\* This written contribution is submitted by National Commission for the Defense of Competition of the Dominican Republic (PRO-COMPETITION)/Comisión Nacional de Defensa de la Competencia (PRO-COMPETENCIA).

Administration and Administrative Procedure Law, no. 107-13 ("Law No. 107-13"), which implies that within the framework of the investigation procedures carried out by the National Commission for the Defense of Competition (PRO-COMPETENCIA), there is a mechanism of guarantee, security and protection of the citizen's rights.

7. In this sense, the powers of investigation exercised by PRO-COMPETENCIA, which allows it to formulate information requirements, are limited to obtaining specific information for a specific purpose, which may be the determination of the relevant market, the dominant position or even the detection of certain anti-competitive behavior. Therefore, when addressing the information requirements, the recipients are informed of the purpose of the request and the legal bases in which they are justified in the General Law for the Defense of Competition, no. 42-08 (hereinafter, "Competition Law").

8. The information collected can only be used for the declared purposes. As we can see, the power to request information has an implicit restriction in the sense that it can only be exercised within the framework of a specific investigation procedure. This means, information cannot be requested from individuals if there is no research procedure in progress or a study of conditions of competition, by PRO-COMPETENCIA.

9. Similarly, information that has not been obtained in accordance with the procedure is impossible to use in a research process. Article 42, paragraph II, of the Competition Law prohibits the use of information that has been obtained in contravention of fundamental guarantees (what is known in criminal matters as illegal evidence).

## **1. Faculty of PRO- COMPETENCIA to request information.**

10. The main functions of PRO-COMPETENCIA are aimed at: 1) The protection of free and fair competition, through the prevention, control and sanction of concerted practices, abuses of dominant position and acts of unfair competition; and 2) The promotion of a competitive culture, both at the private and public levels.

11. The investigative procedures are entrusted to the Executive Directorate, which must "investigate and act on its own initiative in cases where there are indications in the market of violation of this law", and therefore, collect information of a factual and economic nature is essential for the fulfillment of its functions.

12. The investigative faculty of PRO-COMPETENCIA is recognized in articles 17 and 42 of the Competition Law, which enables the Executive Directorate to collect information from individuals within the framework of the relevant investigation procedures. Article 42 provides that the Executive Directorate, during the instruction of the investigation procedure, and for the purpose of collecting evidence, may "summon the legal representatives of the alleged perpetrator or perpetrators, summon witnesses, receive statements, conduct confrontations and bring hearings with the participation of whistleblowers, alleged offenders, alleged perpetrators, witnesses and experts. It may also control, make extract and copies of books, documents and accounting records of the investigated party, ask the dependencies of the alleged perpetrator or perpetrators for the corresponding verbal explanations and have access, including by dawn raid, to land, premises, facilities and means of transport of the accused".

13. On the other hand, the People's Rights in their Relations with Administration and Administrative Procedure Law<sup>1</sup> establishes important provisions on the means of instruction or investigation allowed in the framework of an administrative process.

14. In this sense, in application of the aforementioned legal provisions, PRO-COMPETENCIA has the authority to request relevant information within the framework of the investigation procedures, the following being the three main sources of information used by the Executive Directorate for exercise of its investigative functions: i) The economic agents subject of the investigation; ii) The entities and organs of the Public Administration, as well as counterpart organizations; and iii) Third parties related to the markets under investigation.

## 2. PRO-COMPETENCIA tools to request and obtain information

15. Paragraph I of Article 42 of the Competition Law provides that "in the event that a person refuses to appear, or refuses to allow access or control of documents and accounting records, the Executive Directorate, once the corresponding judicial authorization has been obtained, may request the assistance of the public force to force them to comply with the requirement. The obstruction or impediment of the activity may be sanctioned by the Executive Directorate with a fine equal to that established in Article 64 of this Law."

16. In this regard, the Competition Law contemplates a duty or obligation to provide the information, documents and accounting records that are required for the presumed responsible or responsables, a duty that is also contemplated in article 5, numerals 2 and 5 of the Law No. 107-13 of Administrative Procedure, which establishes as duties of the administrated the following:

- [...] *"Act in accordance with the principle of good faith, refraining from employing delaying maneuvers in the proceedings, and making or knowingly providing false statements or documents or making reckless statements, among other conducts", and,*

- [...] *"Collaborate in the proper development of procedures, complying with their obligations provided by law".*

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<sup>1</sup> Article 27. Acts of instruction or investigation. The acts of instruction or investigation may consist, among others, in the following means: a. Any means of proof admitted in Law and practiced in accordance with the characteristic principles of procedural legislation. b. Reports, analyzes, evaluations and, in general, studies that are relevant or mandatory, whether or not they are binding. c. The active participation of all stakeholders.

Paragraph I. The actions for obtaining and processing information necessary to make an informed decision may consist of any means, such as cooperation, assistance and exchange of information with other competent administrations, or consultations with experts. Under the terms established in the legislation or in international agreements, the informative collaboration of other agencies and specialized administrations of other States, or of international organizations, may be sought in order to adopt the best informed decision, at the service of the general interests.

Paragraph II. All acts and actions shall be subject to the principles of transparency, equality, contradiction and reliability or consistency. "

17. Through compliance with these legal provisions, "people facilitate greater fluidity in the process, as it avoids delays and remove obstacles that could hinder administrative action, [...] People have the responsibility to comply with the rules that apply to them with the main interest of not boycotting the process."<sup>2</sup>

18. As it is well established in the doctrine, "the Administration has the duty to act in accordance with the Constitution and the laws and is not an obstacle to carry out such action, the breach of the duties of the people", therefore it also has the "duty to punish people for the violation of the rules, power that has been conferred to maintain good order and development of the State."<sup>3</sup>

19. Consequently, the PRO-COMPETENCIA investigation actions must be considered as obligatory for the economic agents subject to the investigation, whom, in addition, have been imposed the duty to collaborate actively in the accomplishment of said evidentiary proceedings, taking into account the essential character that possesses the information so that the Executive Directorate is edified and is in optimal conditions to issue an appropriate pronouncement.

20. That is why Article 42 of the Competition Law provides that, in case of refusal of access to such information, the Executive Directorate is entitled to request the corresponding judicial authorization to demand compliance with the information requirements denied, as well as to request the corresponding sanction in case of obstruction or impediment of the investigation.

21. However, the obligation to submit information to the investigation proceedings does not apply to third parties, as long as they are not complainants or voluntary participants, to whom the Executive Directorate of PRO-COMPETENCIA may request information pursuant to Article 42 of the Competition Law, but compliance is voluntary, not mandatory.

22. In this regard, economic agents who have been asked to provide information as participants in markets that have been the object of investigation, have refused to collaborate, in some cases with the interest of preserving commercial relationships with the economic agent under investigation. An example of this is the case of the investigation file carried out by the Executive Directorate of PRO-COMPETENCIA against the economic agent Cervecería Nacional Dominicana, S.A. (subsidiary of Companhia De Bebidas Das Americas-Ambev), for alleged practices of abuse of dominant position in the beer market in the Dominican Republic.

23. In this specific procedure, some economic agents that participates in the beer distribution and commercialization market, contacted by the PRO-COMPETENCIA Executive Directorate, refused to collaborate with the instructors, which constituted an important limitation of access to valuable information, for the purpose of determining the conducts under investigation.

24. A similar difficulty was faced by the Executive Director of PRO-COMPETENCIA with the economic agent subject of the investigation, Cervecería Nacional Dominicana, S.A., who did not comply with the information request that was formulated until the final phase of the investigation procedure. Said economic agent from the beginning of the

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<sup>2</sup> Mena Freud, Sigmund, "Law No. 107-13 Commented and Annotated", Santo Domingo, 2016, p. 206.

<sup>3</sup> Ibid, p. 207.

investigation procedure looked for the way of not presenting the requested information; first, with delaying practices, and then, with a request for precautionary measure before the Superior Administrative Court of the country, in order to obstruct the obtaining of evidence and documentation of an economic nature requested by the Executive Directorate. Said action was rejected by said Court by means of Sentence no. 0030-2017-SSMC-00084 dated October 13, 2017, which recognized the scope of the investigative authority of the prosecuting body.

25. It was due to the adoption of this judicial decision that Cervecería Nacional Dominicana, S.A., finally was compelled to deliver all the required information, which allowed to arrive at the results stated in the corresponding Instruction Report. However, the delay in receiving the information affected the investigation procedure because the Executive Directorate had a very restricted period of time to analyze the information and documentation received, since they were received very close to the deadline, that the said investigating body has to develop the research and present its results, which is one of the shortest in the entire region since it is only 12 months.

26. Likewise, it is important to highlight the large volume of information received from said economic agent, in the final phase of the investigation procedure, which undoubtedly affected the workload of the Executive Directorate team that had to verify the effective delivery of the required information, analyze it, process it and evaluate it in a short period of time.

### **3. Possibility of sanction against acts of obstruction, unjustified delays and delivery of false information**

27. With regard to the duty of collaboration on the economic agents subject to the investigation procedure, PRO-COMPETENCIA has assumed the criteria that there are at least two ways of incurring in the breach of this duty, contemplated in our legal system (both in the Law of Competition as in Law No. 107-13), namely; (i) The presentation of incorrect, false or misleading information; and, (ii) Obstruction of access to relevant information.

28. To determine if there has been a breach of said duty, PRO-COMPETENCIA first values, if the required information turns out to be relevant for the evaluation of the conduct and necessary for the application of the provisions contained in the regulations that rules the matter; and secondly, if such information has been presented in a manner incorrect, false or misleading by the economic agent or if said agent has obstructed or prevented access to information of a relevant nature.

29. Following the criteria of homologous authorities and specialized jurisprudence, the Executive Directorate of PRO-COMPETENCIA recently assumed the criterion that for a violation of the duty of collaboration is not absolutely necessary that the economic agent in question acts with intent to impede the investigation<sup>4</sup>, but that it will be sufficient for it to develop a passive or inactive role against the requirements of the Authority.

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<sup>4</sup> It has been a constant criterion of the Spanish Supreme Court and reiterated by the National Commission of Markets and Competition (CNMC), that the subjective or intentional element of the infringement "(...) does not necessarily have to consist in fraud, [...] it is enough that mere negligence

30. The breach of the collaboration duty, as established in article 5 of the aforementioned Law No. 107-13, may result in administrative sanctions. Indeed, the provision of false information, which as indicated, constitutes a breach of duty of collaboration with the Administration, is a punishable infraction according to the Competition Law, when disposing its Article 61, literal "d", the following:

*Article 61.- Of the sanctions. To those who engage in prohibited practices and behaviors indicated in this law, the National Commission for the Defense of Competition, without detriment to criminal and civil penalties, taking into account the seriousness of the infraction, may apply following sanctions: [...]*

*d) For having provided false information to the Commission, a fine equivalent to a minimum of 50 times the minimum wage, and maximum equivalent to 200 times the minimum wage. [...]*

31. Similarly, paragraph I of article 42 of the Competition Law, provides that "the obstruction or impediment of the inspection activity may be sanctioned by the Directorate Executive with a fine equal to that established in Article 64 of this Law". In virtue of it is clear that the practices of obstruction, impediment of access to information essential for the investigation procedures, as well as the delivery of false information are subject to sanctions in accordance with article 61, literal "d" of the Competition Law, which is the one that refers to administrative infractions different from those applicable in case of anti-competitive practices.

32. On the other hand, the imposition of sanctions is not foreseen in case the information requested is not provided. In these cases, PRO-COMPETENCIA what it does is send reiterations, without detriment of its power, in the case of economic agents under investigation, to exercise the enforcement measures contemplated in paragraph I of Article 42 of the Competition Law previously indicated.

33. To verify and validate the accuracy of the information received, the Executive Directorate of PRO-COMPETENCIA takes advantage of information gathered from other means, such as tax, financial and statistics information, obtained from other State agencies such as the General Directorate of Internal Taxes, the General Directorate of Customs, the National Statistical Office and the Central Bank of the Dominican Republic, as well as information that may be received from other economic agents participating in the market under investigation or in related markets.

34. If the delivery of false information or the existence of delaying practices or obstruction of access to relevant information is verified, the literal "d" of article 33 of the Competition Law, empowers the Executive Directorate of PRO-COMPETENCIA to "present to the Board of Directors public accusations for the imposition of administrative sanctions on the practices, actions, conduct and other matters attributed to it by this law".

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occurs [...] ". Resolution Exp. SNC / DC / 008/16 URBAN, National Commission of Markets and Competition of Spain (CNMC), dated April 7, 2016, p. 14

Likewise, said Court has established that "the conduct must be reprehensible, at least by way of negligence, which excludes that necessarily it must concur as a subjective element of the unfairness of the fraud (in any of its degrees); but that it is enough to witness the lack of a proper and basic diligence." Judgment of the Spanish Supreme Court, dated December 20, 1996, cited by the National Commission of the Markets and Competition of Spain (CNMC) in Resolution Expte. SNC / 0026/12 MEDIAPRO, National Commission of Markets and Competition of Spain (CNMC), dated July 31, 2012, p. 15.

35. In this regard, it is worth noting that recently, through Resolution no. 015-2018 on September 25, 2018, the Board of Directors of PRO-COMPETENCIA accepted an Instruction Report from the Executive Directorate, filed under the alleged verification of dilatory practices and false information provided in an investigation procedure for alleged concerted practices or agreements anti-competitive measures in the wheat flour market in the Dominican Republic, and consequently ordered the initiation of a sanctioning administrative proceeding "for alleged commission of infractions of the provisions contained in the Competition Law, pursuant to the provisions of articles 42.I and 61.d of Competition Law , and of articles 5.2 and 5.5 of Law No. 107-13 , considering that there are sufficient and reasonable indications of non-compliance with these legal regulations."

36. In this case, several economic agents provided data and economic information containing atypical and illogical values from the economic point of view, which undoubtedly affected the results of the investigation. Additionally, most of the economic agents investigated agreed not to present the information with the classification levels requested by PRO-COMPETENCIA, which prevented analyzing the market in a disaggregated manner as they were proposed at the beginning of the investigation and generated the need to send reiterations requests to the agents of the market.

37. Additionally, according to the Instruction Report, some economic agents supplied false data and information to the Executive Directorate, all of which was considered by said investigating body as a reprehensible procedural conduct, whose purpose could not be explained except by the intention of some investigated agents of hinder the performance of the investigation actions and affect the results of said procedure.

#### **4. Content and scope of the information requirements formulated by PRO-COMPETENCIA**

38. Article 42 of the Competition Law establishes the power of the Executive Directorate of PRO-COMPETENCIA to request information, however, neither said neither normative text nor Law No. 107-13 on Administrative Procedure, establish the criteria or formal requirements that the Commission must observe when formulating them, which gives PRO-COMPETENCIA a certain degree of discretionarily in determining the necessary information.

39. That is why, so far, PRO-COMPETENCIA has been incorporating into its processes, in a supplementary way, the best international practices in the matter of formulating information requirements.

40. In this sense, prior to the elaboration of an information requirement, as it is done in the United States under the Manual of the Antitrust Division of the Department of Justice<sup>5</sup>,

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<sup>5</sup> Before a subpoena, CID, second request letter, or voluntary request is drafted, the investigator should consult with the economist assigned to the matter. Coordination at the early stages of the drafting process allows the economists to assist in framing questions to obtain the most useful information in its best form and to draft questions that consider relief options and damage possibilities. An economist familiar with the industry also may assist the attorney in sharpening questions about specific industry practices or activities. Cooperation between the attorneys and economists at this stage will result in better information and a more focused investigation." Antitrust Division Manual. Fifth Edition. Chapter VI: Division Resources. Available: <https://www.justice.gov/atr/file/761156/download>.

the investigating lawyer assigned to the investigation in question, together with the responsible economist, determine what information is considered necessary for the analysis of the relevant market, as well as for a correct delimitation of the conduct, duration and economic agents involved. Once the list of information is prepared and documentation relevant to the investigation, proceeds to the elaboration of the requirement of information.

41. For its part, following the practice of the European Commission, at the time of making the request, the Executive Directorate seeks to indicate the purpose thereof, as well as the precise description of the information or documentation required<sup>6</sup>.

42. In effect, the Executive Directorate of PRO-COMPETENCIA in the information requirements distinguishes the specific investigation procedure under which the requirement is formulated, and the legal position of the addressee (if it is as an investigated agent, third party in the market or a public institution). This measure is particularly important given the novelty of this matter in our jurisdiction, and the ignorance that still exists of the scope of the investigative functions recognized to PRO-COMPETENCIA.

43. The purpose of this requirement is also clearly established, including in the more recent requests, the purpose of each document or information requested, citing the applicable articles of the Competition Law as appropriate. At the end of each request a reasonable delivery period is granted, expressed in working days, counted from the reception of the request.

44. Additionally, the Executive Directorate cites in the information requirements, the legal provisions regarding the duty of collaboration that economic agents investigated have, under penalty of using the measures of constraint contemplated in the Competition Law, in order to obtain the necessary information for the analysis of behaviors under investigation.

45. In the case of the requirements formulated to institutions of the Dominican State, these are based on the principle of coordination and collaboration between entities of the Public Administration, contained in the Organic Law of Public Administration, no. 247-12. In the case of the requirements formulated to third parties related to the market under investigation, although the standard does not make their collaboration mandatory, they are informed of the importance of information for the characterization of the market, and they are clarified that, in case of not collaborating upon request, the best available information will be used.

46. Finally, the possibility that PRO-COMPETENCIA has to impose fines in case of receiving false information is noticed.

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<sup>6</sup> Article 18.2 of Regulation 1/2003 states that when the Commission sends a request for information to a company or association of companies "... it will indicate the legal basis and the purpose of the request, specify the information required and will set the period in which it will be provided, making reference to the sanctions provided in article 23 for the case in which inaccurate or misleading information is provided ".

## 5. Duty to reserve confidential information collected within the framework of the investigation procedures

47. Without detriment to the public nature of the investigative actions carried out by the Executive Directorate of PRO-COMPETENCIA, these activities must be carried out without injuring the fundamental rights of private property and freedom of enterprise recognized to individuals. Therefore, Article 41 of the Competition Law provides for the protection of information that may be of a confidential nature, based on its commercial value.

48. In this regard, PRO-COMPETENCIA adopted Resolution No. FT-014-2016 "Approving the guidelines and criteria for the establishment of reservations of confidentiality on probative material in light of the provisions of article 41 of the General Law of Defense of Competition, no. 42-08", which stipulates that, at the request of a party or ex officio, the Executive Directorate can establish confidentiality reservations about data or documents considered confidential by the economic agent that provides the information.

49. This reservation of confidentiality extends to the officials who participate in the procedure in question, who must keep secret about the facts and information they have learned in the exercise of their functions, even after of having ceased in their positions, under penalty of compromising their responsibility.

50. Confidentiality reservations declared on information and documents that make up the investigation file, are supplied with public summaries of each document declared confidential, which allows the parties to dispute them, and in the same way preserve those information and documents of the harmful effects that they could result from disclosure and knowledge by other competing and related economic agents.

## 6. Conclusions

51. It is clear that, for the fulfillment of its objectives, competition agencies require access to information from individuals to be able to determine possible infractions to competition regulations. That is why the legislation has granted broad investigative powers to those entities of the Public Administration, within which is the power to request information from individuals.

52. The exercise of this power has a wide discretionary content, which allows the authority to define which information is relevant, taking into account the concurrent and particular circumstances of each case. However, within the framework of the research processes, the authority must abide by the principles that govern due process, in order to avoid interference with serious consequences for the recipients of such actions.

53. In that sense, the exercise of the power to request information must be necessary, proportionate, and in accordance with the administrative procedure. Consequently, the first limitation facing the authority in the exercise of said power is that the information must be relevant and necessary to fulfill its function; and, directly related to this, that the information obtained is used correctly, and protected in cases in which it reveals trade secrets or aspects of the commercial strategy of the interested party.

54. Regarding the Dominican experience in relation to the formulation of requirements for information to individuals we must say that it has been effective, because it has allowed access to first-hand information, from different sources, which has facilitated the characterization of the markets under investigation, while allowing to analyze documents

and information of a factual and economic nature crucial for the instruction of the instructional procedures.

55. With the experience obtained by the Executive Directorate of PRO-COMPETENCIA in the investigation procedures initiated since the entry of the Competition Law, last year 2017, the information requirements they have been adapted for the purpose of making the information delivery more efficient and transparent, as well as to ensure that said delivery is made in accordance with the presentation parameters required by the Executive Directorate to facilitate the effective processing of the information received.

56. Considering the importance of information, before the entry into operation of the Competition Law, it was important for PRO-COMPETENCIA to make transparent to the economic agents the treatment of the confidential information that would be granted to the evidence gathered during the investigations. Reason why, on date 14 November 2016, the Board of Directors issued Resolution No. FT-14-2016 "That approves the guidelines and criteria for the establishment of reservations of confidentiality on probative material in light of the provisions of article 41 of the General Law of Defense of Competition, no. 42-08"<sup>7</sup>. In practice, the Executive Directorate of PRO-COMPETENCIA declares reservations of confidentiality constantly, even ex officio, when the information provided constitutes trade secrets or information that reveal aspects of the commercial strategy of the interested party or a third party.

57. Another positive aspect of the information requirements is that they allow the institution to access relevant information without having to execute other evidentiary proceedings such as inspections and raids that, as is known, are an exception to the principle of the inviolability of address, and tend to be used for the purpose of obtaining information regarding the more serious infractions, such as cartels. In this virtue, the requirements of information, constitute a tool commonly used in all investigative processes.

58. The limitations faced so far by PRO-COMPETENCIA are directly related to the resistance shown by some economic agents with the delivery of confidential information. This refusal has been decreasing as economic agents have seen the treatment given to sensitive information and the frequency with which confidentiality decisions are issued. But the delivery of information in a format different from the one requested or with values or answers that lack any logical economic foundation and that hinders its processing persists.

59. On the other hand, there is the situation that some economic agents deposit large quantities of documents and information that, even if they have not been requested, considered relevant to their defense, and that should be reviewed, processed and analyzed meticulously by the personnel of the Executive Directorate, in a relative short time, in order to determine that the delivery of the information turns out to be complete, exact and not distorted. This implies an important investment of time and human resources by part of the Commission.

60. There are also limitations related to the refusal to deliver information by third parties that are not part of the procedure, but that by their activities may have in their

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<sup>7</sup> Available : <http://procompetencia.gob.do/Docs/Resoluciones/Dec%20FT-14-2016%20criterios%20y%20lineamientos%20reservas%20de%20confidencialidad.pdf>.

possession relevant information on the market, background and / or behavior object of investigation. However, they have the power to collaborate with the procedure or refrain from doing so without the possibility of coercion.

61. Despite the inconveniences that PRO-COMPETENCIA has faced in the exercise of its functions, the information requirements continue to be a crucial tool for the investigation procedures. That is why the Executive Directorate has been adapting this important tool in order to specify the purpose of each requirement, exact description of the required information, and the need to present it in the express format established by the Commission, including models, to facilitate completing with the economic data required.