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Alternatives to Leniency Programmes

- Contribution from Brazil¹ -

1. Introduction

1. This paper aims to present the role of the Brazilian antitrust authority in the discussion of alternative tools related to the Leniency Programme, given the growing debate on the lessening of the attractiveness of leniency programmes among several jurisdictions.
2. The Administrative Council for Economic Defence (CADE) uses reactive and proactive tools for detecting cartels, which, in conjunction with the Leniency Programme, may also be used and applied to create and reproduce synergies and harmonically constitute the institutional body to detect, prosecute, and prevent cartels in Brazil.
3. Statistics on the Leniency Programme show the improvements over the 20 years of its operation in Brazil. Accordingly, tools such as leniency plus² and partial leniency³ broaden the possibility of cooperation with the authority.
4. CADE has an additional reactive method for detecting cartels, which is a platform that can be used by any citizen and representatives from public or private sectors to file reports and complaints. These tools are related to CADE's institutional cooperation with other authorities, since the greater the exchange of information and knowledge by third parties about cartel practices, the greater the likelihood of CADE receiving reports and complaints.
5. In terms of proactive tools, CADE has an automated internal tool that uses screening, data mining, and algorithms to fight and detect cartels, called “Projeto Cérebro” (Brain Project). It is an important proactive detection tool and a benchmark among competition authorities worldwide.

¹ Document prepared by Carolina Saito, Leila Girardi, and Cynthia Bezerra, with comments by Felipe Roquete and data collection by Keila Ferreira. The English version is the work of the in-house translators of the International Unit of CADE: it was translated into English by Ítalo de Medeiros Parente and proofread by Izabel Cristina Medina Brum.

² CADE's Leniency Programme also offers additional benefits to the company or individual being investigated for a cartel if they cooperate with the investigations, providing information on a new cartel that the authority had no prior knowledge about. This type of agreement is called “leniency plus” and grants a one-third reduction in the penalties to the company or person in the investigation already underway, in addition to the full benefit of the leniency agreement in the new conduct reported. From 2015 to March 2022, CADE signed 70 leniencies plus agreements and approved 28 cease and desist agreements, according to statistics on leniency agreements. Available at: <https://www.gov.br/cade/pt-br/assuntos/programa-de-leniencia/estatisticas>.

³ When the Brazilian competition authority has no prior knowledge of the violation, a leniency agreement grants the party total immunity from penalties. In this case, the Brazilian Leniency Programme allows the authority to decide to terminate the Government's punitive action. However, when the authority has prior knowledge of the conduct, but does not have enough evidence to secure the conviction, the agreement grants partial immunity from penalties. In such cases, it is possible to reduce the applicable penalties by one to two-thirds.

6. The Brazilian competitive landscape is analysed through industry monitoring and market studies. A robust set of advocacy and training tools is used to improve the amount of information of public and private entities, as well as to improve the performance of future generations of practitioners and market players in the antitrust field. These practices can result in alerts and complaints, and constitute an additional tool in the proactive toolkit for detecting cartels in Brazil.

7. As a whole, CADE uses its tools, both reactive and proactive, in a complementary and interdependent way, in which the Leniency Programme is one of the pillars, but not the only cartel detection tool used by the Brazilian authority.

2. The Leniency Programme in Brazil

8. Brazil is one of the antitrust authorities that has adopted a leniency programme as one of the tools for detecting cartels. CADE's Leniency Programme was launched in the 2000s.⁴ The first leniency agreement signed in Brazil was proposed to the agency and signed in 2003. One of the members of a private security cartel in the state of Rio Grande do Sul disclosed to CADE the anticompetitive practices carried out by the group, aimed at harming competition in public procurements.⁵

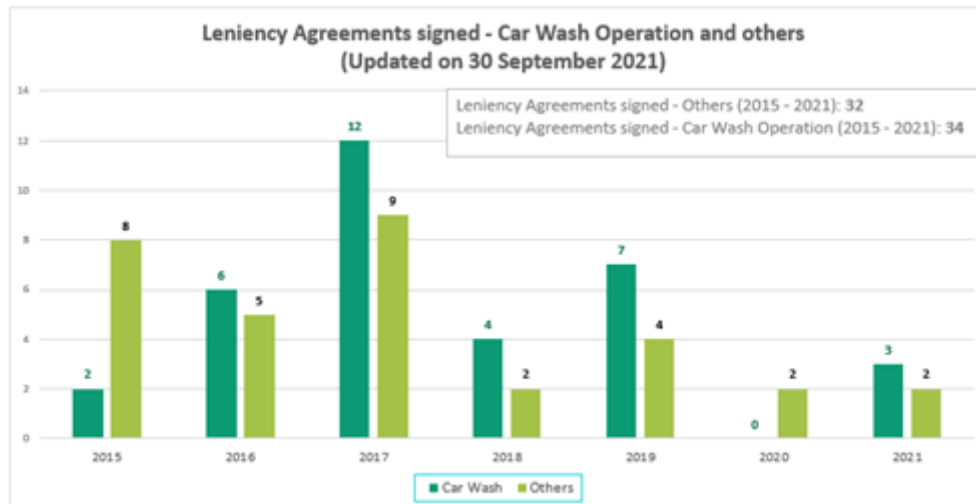
9. Since then, CADE signed 109 leniency agreements. Between 2003 and 2009, 14 agreements were signed. CADE's Leniency Programme was consolidated in the following years, considering the increase in the number of leniency agreements signed in a two-year period. Between 2010 and 2012, 19 agreements were signed.

10. The enactment of Law 12529/2011 reinforced the growth of CADE's Leniency Programme. Between 2013 and 2016, 28 agreements were signed. Operation Car Wash caused an increase in the number of leniency agreements signed by CADE. In 2017, the authority signed 21 agreements, a record in the history of Brazilian competition defence. From 2018 to October 2023, 27 agreements were signed. The chart below illustrates the impact of Operation Car Wash on leniency agreements signed by CADE between 2015 and 2021.

⁴ Provisional Order No. 2055/2000, converted into Law 10149/2000, which amended the provisions of Law 8884/1994, the Brazilian Competition Law at the time. Similar provisions on the leniency programme were included in the current Brazilian Competition Law, Law 12529/2011.

⁵ Resulted in the Administrative Proceeding No. 08012.001826/2003-10.

Figure 1. Leniency Agreements signed – Car Was Operation and others



11. The numbers show that CADE's Leniency Programme has been constantly in operation over the last 20 years, with agreements being signed every year since 2003. On average, CADE signed 5 agreements per year since the implementation of the Leniency Programme in Brazil, which indicates the programme's attractiveness and effectiveness to this day. In October 2023, there were more than 10 agreements under negotiation at CADE,⁶ indicating the continued attractiveness and effectiveness of the Leniency Programme in Brazil.

12. For instance, the subway cartel case originated from an investigation that began in 2013 after the signing of a leniency agreement.⁷ The signatories presented evidence that enabled CADE to obtain a judicial authorisation to carry out a search and seizure to obtain more than 30 terabytes of digital and paper documents. Based on the extensive evidence, CADE convicted 11 companies and 42 individuals for a cartel in public procurements for subway and train in the states of São Paulo, Minas Gerais, Rio Grande do Sul, and the Federal District.

13. Currently, the public may access the "Clique Leniência"⁸ platform, which automatically provides markers to those interested in applying for leniency agreements with the antitrust authority. Moreover, the requests may be monitored. The database is encrypted, which guarantees the confidentiality of the information.

⁶ As stated by CADE's General-Superintendent at the event commemorating the Brazilian Day for the Fight against Cartels. Available at: <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-discute-os-20-anos-do-primeiro-acordo-de-leniencia-firmado-no-brasil>.

⁷ Available at <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-multa-em-r-535-1-milhoes-cartel-de-trens-e-metros>

⁸ Available at <https://leniencia.cade.gov.br/>

3. “Clique Denúncia” Platform, Complaints and Cooperation with Other Antitrust Authorities

14. CADE also has an online platform called “Clique Denúncia”⁹ that can be used by any citizen to file reports related to cartel activity and to send information and documents. The platform has been increasingly used. In 2014, CADE received 399 complaints and 417 in 2015. Between 2016 and 2018, the average number of complaints per year was 944.

15. In 2019, CADE’s Directive No. 292/2019 granted confidentiality to the identity of bona fide complaints, to prevent them from suffering any reprisals arising from their complaint. Thus, it results in greater security and a greater number of complaints. Between 2019 and 2023, the average number of complaints made through “Clique Denúncia” was 2,453 per year.¹⁰

16. Complaint is another reactive tool for detecting cartels. Any interested party can file the complaint based on reasoned facts and evidence of an antitrust violation.¹¹ Among the eligible informers, the Brazilian competition law highlights the members of the Brazilian National Congress or any of its Chambers, as well as the members of the Under-Secretariat for Regulation and Competition (former Secretariat for Economic Monitoring) linked to the Ministry of Economy, of regulatory agencies, and the Office of the Attorney General at CADE.¹² It is important to note that in the last 10 years, the average number of complaints submitted to CADE has been 120 per year.¹³

17. For instance, the crushed stone cartel case originated from an investigation that began on 4 April 2002, following an anonymous report.¹⁴ The case was reported to the Brazilian System for the Defence of Competition via anonymous e-mail. The investigations revealed that 17 companies and a trade association acted together to rig the crushed stone market in the metropolitan area of São Paulo. The authority carried out a search and seizure aimed to find documents as evidence that representatives of the companies had been meeting to negotiate collusive agreements. CADE convicted the first company for cartel formation in this case, based on the extensive evidence and detailed economic analysis combined with investigation tools.

18. The receipt of complaints from other government bodies is closely related to CADE’s proactive role in signing technical cooperation agreements. These agreements aim to improve the agency’s performance through the exchange of information and data between different bodies, as well as joint action in activities such as fighting cartels.

19. At a national level, CADE has technical cooperation agreements with 17 Brazilian government bodies, 13 regulatory agencies, 6 civil society organisations, and the

⁹ Available at https://www.gov.br/cade/pt-br/canais_atendimento/cliq-denuncia.

¹⁰ CADE’s database contains all the complaints made through the platform, not just those related to cartels.

¹¹ Article 66 (1) of Law 12529/2011.

¹² Article 66 (6) of Law 12529/2011.

¹³ This number is likely to be underestimated given that some complaints brought to CADE are registered as other types of proceedings that were not included in the data collected for this contribution.

¹⁴ CADE’s investigation procedures supported and confirmed the complaint. Available at <https://www.gov.br/cade/pt-br/assuntos/noticias/dee-lanca-estudo-sobre-atuacao-do-cade-no-combate-ao-cartel-das-britas-em-sp>.

Prosecutor's Office of the 26 states of Brazil, as well as the Prosecutor's Office of the Federal District and Territories and the Federal Prosecutor's Office.

20. In this context, it is worth mentioning the agreement signed among the Federal Prosecutor's Office, the Brazilian Council of Prosecutors (CNPJ) and the National Group to Combat Criminal Organisations (GNCOOC).¹⁵ In order to improve the systems to fight cartels, the authorities decided to sign this agreement in August 2022 to create the Brazilian Front to Fight Cartels (FNCC). Through the FNCC, the signatories committed, mainly, to develop more reliable mechanisms and tools for improving investigations by the authorities; developing a base of administrative and judicial decisions to improve access to previous cartel cases, and improving the dialogue between authorities in future investigations and prosecutions.

21. Similarly, CADE participates in the Brazilian Task Force on Corruption and Money Laundering (ENCCLA), Brazil's main institutional network for planning, discussing, formulating, and implementing public policies and solutions to fight corruption and money laundering. The network has approximately 90 public institutions from the three branches of government and the Federal Prosecutor's Office, covering the federal, state and, in some cases, even municipal levels and other organisations, allowing for partnerships and exchanges of investigative tools and strategies.¹⁶

22. An excellent example of a case that followed a complaint is the one¹⁷ in which a hub-and-spoke cartel in Brazil was identified and convicted for the first time. The investigation started upon an official letter sent by the Department of the Federal Police, reporting evidence that a bidder had been forced by the distributor of Smart Board digital interactive whiteboards not to submit a bid in an online reverse auction of the Federal University of Rio Grande do Norte (UFRN), to favour another bidder. Both bidders were resellers of Smart Board digital interactive whiteboards.

23. In this case, a significant part of the evidence was the result of a chance encounter with evidence in a search and seizure carried out in the context of another investigation, focused on bids for uniforms and school supplies for students in public schools.¹⁸ This search and seizure was conducted in partnership with the Prosecutor's Office of the State of São Paulo. Thus, the evidence found by chance brought greater strength to the investigation.

4. 4. "Cérebro Project" and Screening Tools

24. In 2013, CADE developed a detection tool called "Cérebro Project". The platform is a proactive investigative tool that employs data mining, statistical tests, and algorithms to detect any signs that firms are working in coordination. The tool collects public databases, such as Comprasnet to detect suspicious patterns in a large body of information on the behaviour of companies in public procurement.

¹⁵ Creation of the National Front for Fighting Cartels (FNCC). Brazilian Prosecutor's Office and CADE. Available at: <https://cdn.cade.gov.br/Portal/Not%C3%ADcias/2022/DECLARACAO-BRASILIA-FNCC.pdf>.

¹⁶ Available at: <https://www.gov.br/mj/pt-br/assuntos/sua-protecao/lavagem-de-dinheiro/enccla>

¹⁷ Administrative Proceeding No. 08012.007043/2010-79.

¹⁸ Administrative Proceeding No. 08700.008612/2012-15.

25. Among the patterns considered suspicious are bid suppression, disqualification of bids, cover bidding, bid rotation, superfluous losing bids, stable market shares, pricing patterns, textual similarities in bids, and submitted files' metadata, among others.

26. The “Cérebro Project” uses statistical tests (screening, generalisations based on past cases and microeconomic theory) and data mining (patterns and similarities in the behaviour of bidders, suspicious and rare facts, signals of simulated competition). Thus, it automates some processes for case reviews and enhances resource allocation for complex cases.

27. The “Cérebro Project” played a key role in two investigations. The first was during the search and seizure named “Operation Merchant of Venice”,¹⁹ which investigated cartels²⁰ in public procurements for orthoses, prostheses, and medical devices. The tool was used to identify priority targets with the highest number of evidence to conduct a search and seizure.

28. In 2018, CADE conducted an investigation based on information obtained from the “Cérebro Project”: a check of tenders to employ firefighters. The investigation started in 2015, based on a complaint brought by a member of CADE's procurement and contracts unit, who found signs of potential wrongdoings in the online reverse auction.

29. After the initial investigation, CADE found evidence that a group of companies operated in coordination with at least 4,700 procurement processes. The “Cérebro Project” tool detected the collusive behaviour of 14 companies in more than 50 procurement processes, allowing CADE to obtain evidence to execute search and seizure warrants at 13 companies.²¹

5. Industry Monitoring and Market Studies

30. CADE also carries out market and monitoring studies, including “Cadernos do CADE” and working papers. Industry monitoring and the preparation of market studies are tools for disseminating important information about cartel cases. These practices may result in alerts and complaints and are an additional tool in the proactive toolkit for detecting cartels in Brazil.

31. “Cadernos do Cade” is a series of documents the Department of Economic Studies (DEE) regularly publishes to consolidate, systematise, and disclose CADE's case law related to a specific market, considering the market's economic and competitive aspects. These publications aim to increase the transparency of the decisions rendered by the agency, making CADE's decisions public knowledge.

¹⁹ Available at <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-realiza-operacoes-de-busca-e-apreensao-para-investigar-suposto-cartel-no-mercado-de-orteses-e-proteses>.

²⁰ Resulted in the Administrative Proceeding no. 08700.003699/2017-31 and the Administrative Proceeding no. 08700.003709/2017-38.

²¹ Resulted in the Administrative Proceeding no. 08700.004914/2021-05.

32. Since 2014, the DEE issued 11 “Cadernos do CADE” covering cartels in some markets, such as port services,²² air passenger and cargo transport,²³ shipping containers,²⁴ cement,²⁵ payment instruments,²⁶ agricultural inputs,²⁷ private health insurance,²⁸ the steel industry,²⁹ liquid fuel distribution and retail trade,³⁰ mining,³¹ and telecommunications.³²

33. The Department of Economic Studies also publishes working papers to disclose economic studies related to CADE's fields of activity to improve the review of mergers and acquisitions, to help the investigations of anticompetitive practices, and to promote competition advocacy in public and private sectors. The working papers aim to share ideas and receive feedback from the scientific community prior to eventual publication. Although the papers do not necessarily express CADE's point of view, they provide visibility of relevant issues and foster the improvement of the agency's analyses.

34. The first working paper was released in 2009 and 5 working papers related to cartel have already been released with the following themes: “Optimal Prevention of Cartels: The Peroxide Cartel in Brazil”,³³ “Evaluation of Competition Policy: Damage Estimation of the Cartel in the Fuel Supply Market in Londrina”,³⁴ “Measuring the Benefits of Fighting

²² Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-servicos-portuarios-2017.pdf>.

²³ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-transporte-aereo-de-passageiros-e-cargas-2017.pdf>.

²⁴ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-transporte-maritimo-de-containers-2018.pdf>.

²⁵ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-cimento-no-brasil-2019.pdf>.

²⁶ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-instrumentos-de-pagamento-2019.pdf>.

²⁷ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-insumos-agricolas-2020.pdf>.

²⁸ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/Caderno-Saude-Suplementar-Conduas-Atualizado-VFinal.pdf>.

²⁹ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/Caderno-Industria-Siderurgica.pdf>.

³⁰ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/Caderno-Mercados-de-distribuicao-e-varejo-de-combustiveis-liquidos.pdf>.

³¹ Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/Cadernos-do-Cade-Mineracao-final.pdf>.

³² Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/Mercados-de-Telecomunicacoes-2023.pdf>.

³³ Working Paper, which assesses CADE's capacity to prevent cartels in Brazilian markets through data from cases, adjudicated: the Peroxide Cartel. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/documentos-de-trabalho/2016/documento-de-trabalho-n02-2016-prevencao-otima-de-carteis-o-caso-dos-peroxidos-no-brasil.pdf>.

³⁴ Working Paper, which estimates the damages caused by the cartel in the fuel supply market in southern Brazil using both a reduced equation and a structural model of demand and supply. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/documentos-de-trabalho/2018/documento-de-trabalho-n02-2018->

Cartels: the Crushed Stone Cartel",³⁵ "Measuring the Benefits of Fighting Cartels: the Fuel Cartel in the Federal District",³⁶ and "Estimating Overpricing in Cartels: the Fuel Cartel in the Metropolitan Area of Belo Horizonte in the State of Minas Gerais".³⁷

6. Education and Advocacy Actions

35. CADE also operates in a preventive manner to fight cartels through educational actions and competition advocacy programmes. Raising awareness of cartel practices can increase the number of warning signs and complaints. Consequently, it is considered an additional proactive tool for detecting cartels in Brazil.

36. Between 2016 and 2023, CADE released eight guidelines on cartel practices to inform people about the importance of competition, warning signs for cartels, and tools for reporting or making complaints. As a result, it promotes transparency about the way the Brazilian antitrust authority acts in the fight against cartels.

37. Published in 2023, the cartel-sentencing guidelines³⁸ present methodology used by CADE's Tribunal to determine the appropriate level of penalty for companies and other legal entities, which do not perform a business activity, as well as individuals convicted for cartel practices.

38. In 2021, CADE released three guidelines regarding the fight against cartels in procurements and suggest a standard of proof for leniency agreement proposals, which are: "Guide for Fighting Cartels in Procurements", "Bid rigging in public procurements: warning signs", and Parameters for Submitting Evidence in Leniency Applications".

39. The "Guide for Fighting Cartels in Procurements"³⁹ was created to assist procurement officials in improving the design of an effective procurement process, supporting the Federal Government, States, Municipalities, and the Federal District. The Guide's main purpose is to call the attention of procurement officials to the characteristics of cartels in procurement and the importance of reporting these practices to the competent

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³⁵ Working Paper, which assesses the results of the fight against the cartel in the crushed stone market in the metropolitan area of São Paulo. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/documentos-de-trabalho/2019/documento-de-trabalho-n01-2019-mensurando-os-beneficios-de-combate-a-carteis-o-caso-do-cartel-de-britas.pdf>.

³⁶ Working Paper, which assesses the results of the fight against the cartel in the fuel market in the Federal District. The investigations into the cartel in the fuel resale market in the Federal District began after a complaint filed on 6 November 2009. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/documentos-de-trabalho/2019/documento-de-trabalho-n04-2019-mensurando-os-beneficios-de-combate-a-carteis-o-caso-do-cartel-de-combustiveis-no-distrito-federal.pdf>.

³⁷ Working Paper, which estimates the overpricing resulted from the cartel in the fuel market in the metropolitan area of Belo Horizonte, in the state of Minas Gerais, convicted by CADE in 2019. Available at: https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/documentos-de-trabalho/2022/DOC_007-2022_Estimacao-de-sobrepreco-em-carteis-cartel-de-BH.pdf.

³⁸ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-do-cade/Guia-dosimetria-de-multas-de-cartel.pdf>.

³⁹ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guia-combate-a-carteis-em-licitacoes/Guia-Combate-a-Carteis-em-Licitacoes.pdf>.

authorities. In simple language, the document describes the main strategies adopted by cartels in procurements, the market characteristics that make them more likely to occur, warning signs for cartels in procurement, ways to prevent cartels, and instructions on how to contact CADE to report suspicious behaviour of companies.

40. The “Bid rigging in public procurements: warning signs”⁴⁰ is a practical guide that provides a checklist for procurement officials to identify suspicious behaviours and patterns of bidders and indicates how to report to CADE any of the situations listed (“Clique Denúncia” platform).

41. The “Guide Parameters for Submitting Evidence in Leniency Applications”⁴¹ describes all the requirements for signing a leniency agreement with CADE. The agreement signed must result in (a) the identification of other parties involved in the antitrust practice and (b) the gathering of evidence in the form of information and documents that prove the violation reported or under investigation.⁴²

42. In 2019, CADE released its “Guidelines for Implementing Technical Cooperation among prosecutions and control agencies”⁴³ on procedures that guide the authority's support for the institutions responsible for investigating and prosecuting antitrust violations, such as Prosecutor's Office, Comptroller's Offices, the Brazilian Court of Accounts, among others.

43. Also released in 2019, the “Guide for Fighting Cartels in Procurements”⁴⁴ aimed at instructing and providing assistance to all parties involved in organising and carrying out procurement processes (such as auctioneers, members of procurement committees, and other authorities responsible for investigating and penalising this sort of illegal conduct), and to society at large. The guide also aims to instruct how to recognise the main signs of collusive behaviour in public procurements to improve the chances of cartels being detected, prevented, and penalised accordingly.

44. In 2016, CADE released the first two guides: the “Guidelines: Cease and Desist Agreement for cartel cases (TCC)”⁴⁵ and the “Guidelines: Cade's Antitrust Leniency Programme”,⁴⁶ which present the best practices and procedures typically applied in cease and desist and leniency agreements. These guides consolidate the agency's institutional memory and serve as reference material for civil servants, lawyers, and society in the procedures for this important activity for the Brazilian competition policy, the fight against cartels, and antitrust practices.

⁴⁰ Available at https://cdn.cade.gov.br/Portal/assuntos/noticias/2021/Checklist_Cartel-em-licitacoes_sinais-de-alerta_pessoas.pdf.

⁴¹ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-do-cade/Guia-recomendacoes-probatorias-para-proposta-de-acordo-de-leniencia-com-o-Cade.pdf>.

⁴² Article 86 of Law 12529/2011.

⁴³ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-e-manuais-administrativos-e-procedimentais/guia-para-operacionalizacao-de-cooperacao-tecnica-com-orgaos-de-persecucao-e-controle.pdf>.

⁴⁴ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-do-cade/guia-de-combate-a-carteis-em-licitacao-versao-final-1.pdf>.

⁴⁵ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-do-cade/guia-tcc-atualizado-11-09-17.pdf>.

⁴⁶ Available at <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/guias-do-cade/2020-06-02-guia-do-programa-de-leniencia-do-cade.pdf>.

45. In addition to the education and advocacy actions previously described, CADE partners with the National School of Public Administration (ENAP) as a content provider for virtual courses on competition issues.⁴⁷ The training courses are designed for servants in general. The courses cover the following topics: introduction to competition policy, leniency programmes, cartels in public procurement, antitrust compliance, CADE's Leniency Programme, unilateral conduct, and merger reviews.

46. CADE also promotes training for other authorities competent in fighting cartels. For instance, the agency carried out a training course on the prevention and detection of cartels in procurements for the Office of the Comptroller General of Brazil in 2023; for the Brazilian National Department of Transportation Infrastructure in August 2021; for officials of the Office of the Comptroller General of Brazil in the state of Rio Grande do Sul in 2012; and a training course on detection and repression of cartels in procurements for the Prosecutor's Office of the states of Minas Gerais and Rio Grande do Norte in 2010.

47. In addition to guides and training programmes for authorities, CADE also runs programmes for students. In 2023, the Administrative Council for Economic Defense (CADE) launched the "CADE at Universities"⁴⁸ project aimed at developing closer relations with the academic public, in several Brazilian cities. "CADE at Universities" is a pilot project that covers various topics related to competition, to arouse the interest of students and encourage them to improve their knowledge in the area.

48. Since 2021, CADE has promoted antitrust simulations for Brazilian undergraduate students in partnership with the network Women in Antitrust (WIA).⁴⁹ The simulation aims to promote and disseminate competition law among undergraduate students and give them practical experience by part taking in a mock trial. Thus, the experience seeks to improve the training of future competition law practitioners.

49. Since 1999, CADE has promoted PinCade, an exchange programme designed to introduce undergraduate and postgraduate students to the routine and activities carried out in several sectors of the agency.

50. All the actions mentioned are part of CADE's educational mission, in which the authority disseminates knowledge about the importance of competition and the fight against cartels to different groups of people. Among them are competent bodies that act in the fight against cartels, procurement officials, graduate students, and the general public, who often have their first contact with the subject through the actions of the antitrust authority. In this way, the educational and advocacy actions carried out by the authority spread the knowledge of stakeholders who, based on this experience, can detect cartels and report them or make a complaint to CADE.

⁴⁷ Available at <https://www.escolavirtual.gov.br/catalogo>.

⁴⁸ Available at <https://www.gov.br/cade/pt-br/assuntos/noticias/projeto-201ccade-nas-universidades201d-promovera-debates-concorrenciais-entre-estudantes#:~:text=Projeto%20E2%80%9CCade%20nas%20Universidades%20E2%80%9D%20promover%20C3%A1%20debates%20concorrenciais%20entre%20estudantes,-Iniciativa%20visa%20estreitar&text=Na%20pr%C3%B3xima%20semana%20o%20Conselho.em%20diversas%20cidades%20do%20pa%C3%ADs>.

⁴⁹ A private association of competition law practitioners, with hundreds of women from the private, public, and academic sectors. Available at: <https://www.womeninantitrust.org/>.

7. Final Considerations

51. In practice, CADE uses cartel detection tools in an integrated and supplementary way, even though they are presented in different sections in this paper. Each of the reactive and proactive tools is perfectly combined to create a virtuous feedback loop.

52. For instance, education, advocacy, and institutional cooperation tools provide society and other authorities with the necessary knowledge to detect cartels, and to file reports and complaints. By signing cooperation agreements, CADE has access to databases that support the “Cérebro Project”, making it a more accurate tool for detecting cartels. Leniency agreements also receive input from education and advocacy tools.

53. Overall, CADE relies on all these tools combined to form a solid institutional basis for fighting cartels.