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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Latin American and Caribbean Competition Forum

Session III: Early resolution of cartel cases in Latin America and the Caribbean – Call for Contributions

14-15 October 2026

This document is circulated in preparation of the discussion under Session III of the OECD-IDB Latin American and Caribbean Competition Forum (LACCF) that will take place during 14-15 October 2026 in Buenos Aires, Argentina.

Delegates are invited to submit their written contributions to the Secretariat by **Monday 31 August 2026**.

In case you need additional information related to this session, please contact:

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Session III: Early resolution of cartel cases in Latin America and the Caribbean

– Call for Contributions –

1. This year's OECD-IDB Latin American and Caribbean Competition Forum (LACCF) will feature a session on "Early resolution of cartel cases in Latin America and the Caribbean". This document provides some background information on the topic and invites delegates to make a written submission to the discussions.

2. Previously, the OECD has convened some discussions on the topic, including Roundtables on "[Plea Bargaining/Settlement of Cartel Cases](#)" (2006), the "[Experience with Direct Settlements in Cartel Cases](#)" (2008), and "[Commitment decisions in antitrust cases](#)" (2016) which were focused on the topic in a global context and include general guidance for the early resolution of antitrust cases.

3. The OECD Competition Trends in Latin America and the Caribbean (2022) showcase that, in the region, there is a lower number of ex-officio investigations compared to OECD jurisdictions; that the number of leniency applications seem to indicate an underuse of this type of programmes; and that the number of cartel decisions, while similar to the OECD average, was heavily concentrated in two jurisdictions. The data appears to suggest that there may be opportunities for improvement in cartel enforcement in the wider Latin American and the Caribbean (LAC) region.

4. In the investigation and prosecution of cartels and, for the purposes of our discussion, early case resolution occurs when the parties to an agreement, i.e., the competition authorities and the undertakings suspected of anti-competitive conduct agree on a number of substantive findings in a case and on matters related to procedure, in exchange for a speedy resolution of the case and, if applicable, reductions in fines or the imposition of measures or commitments. In the region, these tools have different names and features, such as settlements, commitments, guarantees or admission of charges, among others.

5. Competition authorities may benefit from early case resolution tools by saving on time and the resources that the case would require to get a judgment, allocating them more efficiently to the detection and prosecution of other cartels and providing for a greater deterrence and wider impact of their enforcement actions. Early case resolution may also be used as an investigative tool, allowing authorities to collect information that may be used for the investigation and prosecution of other cartelists through the requirement of the co-operation of the settling party. Meanwhile, what the undertakings suspected of anti-competitive conduct get depends on the policy objectives pursued by the authorities, which may or may not include reduced penalties.

6. Many jurisdictions around the world use early case resolution tools for cartel cases, although they are not often used in most LAC countries (OECD, 2022). Thus, LAC countries could benefit from a discussion of the topic to explore the common practices and challenges to further develop their implementation of early case resolution procedures.

7. The design and approaches to the early resolution of cartel cases consider issues related to the impact they may have on their leniency programmes and the appropriate penalisation and recognition of damages caused by the members of the cartels, while attempting to balance incentives for cartelists to settle. The extent of the authorities' powers when negotiating or approving the scope of the terms in which the case will be resolved may also be defined in regulation or through internal guidelines. These procedures may require an admission of guilt, co-operation with the authority in the main proceedings against fellow cartelists, penalties and commitments or corrective measures.

8. This LACCF session will focus specifically on the implementation of early resolution tools with respect to cartel cases in Latin America and the Caribbean. This may include: (i) the different principles and approaches across jurisdictions, including public policy objectives and the relationship with leniency programmes; (ii) the enforcement experiences in the implementation of the early case resolution tools, especially as to the incentives and the criteria adopted when approving the early resolution; and (iii) the impact of the implementation of these tools. The aim is to provide guidance on the best practices for the implementation of programmes related to the early resolution of cartel cases in the region.

9. As in past years, the discussions in this session will be greatly enhanced by written contributions, which should be sent to the OECD Secretariat by **Monday 31 August 2026**. In order to assist you with the preparation of your contribution, the Annex includes a number of questions on which you may wish to focus and a suggested bibliography. The list in the Annex is not exhaustive, and you are encouraged to raise and address other issues in your submissions and during the discussion. We also strongly encourage you to discuss and comment on your relevant enforcement and advocacy experience in this area.

10. The session will be supported by a Secretariat paper, which will compile the main issues related to the topic. The LACCF webpage will be the primary vehicle for conveying documentation and related links on this subject (<https://www.oecd.org/en/networks/latin-american-and-caribbean-competition-forum.html>). Unless explicitly requested not to do so, the Secretariat will reproduce all written contributions on the LACCF website.

11. All communications regarding the documentation for this session should be sent to Ms. Angélique Servin (Angelique.Servin@oecd.org). Please address any substantive queries relating to this discussion to Mr. Pablo Ramírez Ayala (PabloEmmanuel.RamirezAyala@oecd.org).

Annex

Suggested questions for written contributions to Session III on the Early resolution of cartel cases in Latin America and the Caribbean

This Annex provides a list of questions for consideration in preparing a written contribution. A contribution does not need to cover every listed question, and you may wish to address issues not listed here. You are encouraged to refer to relevant cases or initiatives where appropriate to illustrate your answers. Please prepare your contribution as an integrated essay rather than a list of answers to questions. You may wish to include an annex with short case references.

A. Overview of the framework of the early resolution of cartel cases

- Describe the institutional design of the framework for the early resolution of cartel cases in your jurisdiction, including procedural stage, initiative and requirements.
- Has your jurisdiction adopted guidelines or secondary legislation on the topic of early resolution of cartel cases?
- Has the legislation or guidelines regarding the early resolution of cartel cases been changed in the past ten years? If so, how did the previous framework work and why was it changed?
- What are the policy objectives of the tools for the early resolution of cartel cases in your jurisdiction? How does the authority balance the need for a shortened procedure with ensuring deterrence?
- What is the relationship, if any, between the jurisdiction's leniency programme and early resolution procedures? Are early resolution tools available to undertakings suspected of anti-competitive conduct that are not eligible for leniency programmes? Have there been cartel cases where some undertakings benefited from leniency while others benefited from early case resolution tools? Are leniency and early resolution tools available to undertakings suspected of anti-competitive conduct during the same procedural moments?
- Does your authority have a procedure for early case resolution for cases in which the undertaking suspected of anti-competitive conduct admits the charges without conditions?
- Is co-operation with the prosecution of other undertakings suspected of anti-competitive conduct in the cartel required for the early case resolution? Are the undertaking's benefits from the early resolution subject to the results of the proceedings against the other undertakings?
- Are undertakings taking part in early resolution tools subject to private litigation or criminal action? Are there effects on issues related to eligibility for public procurement tenders or director disqualification? What are the effects of the early resolution of cartel cases in those areas?
- Are early resolution of cartel cases used regularly in your jurisdiction?
- Are there trends in the types of cases or markets where the early resolution of cartel cases are more prevalent?
- Since the introduction of tools of early resolution of cartel cases, has your authority been able to increase the number of cartel investigations?
- Are there obstacles in your jurisdiction for the effective implementation of early case resolution tools in cartel cases?

B. Enforcement experiences with the early resolution of cartel cases

- Which criteria do the relevant bodies of the competition authority use to negotiate, approve or deny approval of the early resolution of cartel cases?
- When there is room for commitments or corrective measures, are they of structural or behavioural nature? Which are favoured by the authority and why?
- Which tools are in place in your jurisdiction for the effective monitoring of commitments or corrective measures defined within the context of the early case resolution?
- In jurisdictions where penalties are still imposed or agreed, which parameters are used to set the amount?
- Which incentives are available in your jurisdiction for undertakings to agree on the early resolution of cartel cases?
- Please list cartel cases that were resolved early for up to the past ten years.
- Please identify the most significant cartel cases your agency has resolved through early case resolution tools within the past ten years, highlighting their relevance and impact.

Preliminary bibliography

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