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

Latin American and Caribbean Competition Forum

SUMMARY RECORD

- Note by the Secretariat -

21st Meeting 28-29 September 2023, Ecuador

This document prepared by the OECD Secretariat is a summary record of the 21st annual meeting of the OECD-IDB Latin American and Caribbean Competition Forum held on 28-29 September 2023 in Quito, Ecuador.

More documents related to the Forum can be found at: oe.cd/laccf

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1. Introduction

1. The OECD and the Inter-American Development Bank (IDB) jointly organise the Latin American and Caribbean Competition Forum (LACCF) since 2003. The LACCF is used to identify and disseminate best practices in competition law and policy while promoting a sharing of experiences and networking among the region's competition policymakers and law enforcers. Traditionally, heads of agencies and senior officials of Latin American and Caribbean (LAC) competition institutions along with representatives of regional competition authorities participate in the Forum.
2. The 21st edition of the LACCF was hosted by the Competition Authority of Ecuador (*Superintendencia de Competencia Económica – SCE*) during 28-29 September 2023 in Quito, Ecuador. The event took place in a hybrid format. The LACCF meeting was preceded by the National Competition Day in Ecuador, the Ibero-American Forum on Competition and a meeting of the Group of Competition Agencies of America (GrACA) on 27 September 2023.
3. This note provides a summary record of this LACCF meeting and focus on (i) the main sessions including substantive discussions, (ii) an overview of the additional meetings held in the margins of the LACCF during that week, and (iii) the evaluation results from participants.

2. Summary of LACCF Annual Meeting

4. The agenda of the LACCF comprised three substantive sessions that covered the following topics: (i) Competition and Poverty; (ii) Peer Review of Dominican Republic's Competition Law and Policy; and (iii) Competition and Sports. In total, 170 participants attended the LACCF: 61 in person in Ecuador and 109 virtually given the hybrid format adopted for this year. They represented 19 countries from LAC, 6 non-LAC countries, 2 LAC regional supranational organisations, and 2 international organisations.¹
5. The LACCF was opened by Mr. Danilo Sylva Pazmiño, Superintendent of SCE, Professor Frédéric Jenny, Chair of the OECD Competition Committee, and Mr. Juan Carlos De la Hoz, Representative of IDB in Ecuador.
6. Mr. De la Hoz highlighted the importance of competition for LAC, given the economic challenges related to productivity in the region, as well as the effects of the Covid-19 pandemic that caused disruptions in value chains. In this sense, promoting competition is not only an opportunity, but, in fact, a condition to overcome these challenges, improve markets and foster sustainable economic development. The IDB representative also praised the theme of each session, underlining their importance to public policies in LAC.

¹ Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Trinidad & Tobago, United States, Uruguay, Andean Community, CARICOM, IDB and OECD.

7. The Superintendent of SCE expressed his confidence that competition policy is fundamental to the development of strong and efficient economies. Furthermore, he pointed out the strategic role of LACCF for allowing countries and competition authorities to meet, create connexions and share experiences. The Superintendent of SCE also mentioned the importance of OECD work, particularly the Peer Review of Ecuador's Competition Law and Policy, which made the country move on, year after year, towards internationally recognised policies.

8. Mr. Jenny deeply acknowledged SCE for their warm welcoming, the Brazilian delegation for its financial support to the LACCF, and the IDB, in particular Mario Umaña, for the partnership on LACCF meetings. In the end, the Chair briefly presented the agenda of the event.

1.1. Session I on “Competition and Poverty”

9. Session I of the LACCF addressed the challenges to reduce poverty, considering that over 30% of the population in Latin America and the Caribbean live in poverty. The Chair, Mr. Frederic Jenny, started by giving the floor to the OECD Secretariat, which presented the background note.

10. Mr. Paulo Burnier, OECD Senior Competition Expert, explained that the broad topic of competition and poverty was explored under three different aspects in the Secretariat's paper: (i) the interplay between competition policy and poverty reduction, recognising the importance of co-ordination between different public policies to reduce poverty given that competition policy has an important role on economic growth, but not on distributing it across the population; (ii) the role of competition authorities, focusing on a more practical approach of what actions are ongoing and how competition authorities may prioritise cases with a greater impact on the poorest; and (iii) the informal economy, given the great size of this segment on Latin American and Caribbean countries.

11. After the Secretariat presentation, the Chair highlighted some additional features concerning the determinants of poverty, the goals of competition policy, and the limitations of the interplay between competition policy and poverty including in the informal sector. Although economic growth is found to be an important factor to reduce poverty, the question of how one generates economic growth keeps open to investigation and there are many different aspects to be taken into account in this answer.

12. The following invited speakers added to the discussions as guest experts: (i) Ms. Eleanor Fox (participating remotely), Walter J. Derenberg Professor of Trade Regulation Emerita at New York University School of Law, who suggested how a pro-poor lens may be applied by competition authorities and justify prioritising cases that will help the poorer the most; (ii) Ms. Catalina Medel, Professor at University of Chile, who covered practical issues and examples of market studies handled by competition authorities, particularly in Chile, that affected poverty reduction; and (iii) Ms. Taimoon Stewart, Honorary Research Fellow of the University of West Indies, who explored in more details the ties between poverty and the informal sector and what role competition policy may effectively play in scenarios of extreme poverty.

13. The following delegations contributed with written contributions to the discussions: Costa Rica, Dominican Republic, Ecuador, Mexico, Spain, United States, and the Central American Network of National Authorities in Charge of Competition Issues. They also had an active participation during the Session, with oral contributions covering competition goals (United States), examples in which competition has affected, both positive and negatively poor people (Spain and RECAC), the impact of competition policy in markets of great importance to the poorest (Mexico and Costa Rica), impacts of competition issues in labour markets to poor people (US) and the specific challenges concerning the informal economy (Ecuador and Dominican Republic). In addition, countries which did not send written contribution also participated in the debate by sharing their experiences, such as Brazil, Chile and Argentina.

14. In the final part of the session, the discussion confirmed that overcoming challenges of the informal sector is a key factor on fighting poverty. In his conclusion, the Chair highlighted the importance to further explore the relation between the concentration on the formal sector and the lack of growth in formal sector jobs, what could be a way to reduce the size of the informal economy in Latin America and the Caribbean. Likewise, promoting flexibility in the economic system, as well as addressing problems on regulation and access to markets could also help those who works in informal economies due to a lack of options to entry into the formal sector.

1.2. Session II on “Peer Review of Dominican Republic”

15. Session II of the LACCF was devoted to the Dominican Republic’s Peer Review on Competition Law and Policy. The Chair, Mr. Frédéric Jenny, opened the session by stressing why peer review exercises are useful and how they are conducted. The Chair also highlighted that the adoption of competition law and the establishment of a functioning competition authority is relatively recent in the Dominican Republic.

16. The Chair then invited Ms. Iratxe Gurpegui (IDB Consultant) to provide a brief overview of the report prepared by the Secretariat. Ms. Gurpegui presented the main findings, including the insufficient co-operation between Pro-Competencia and other public authorities, the absence of a general merger control regime, the insufficient budget and staff of Pro-Competencia, the incipient enforcement of competition law, and the lack of competition culture.

17. In her opening remarks, the representative of the Dominican Republic, Ms. Maria Elena Vásquez Taveras, Chair of Pro-Competencia, highlighted the history of competition law in the country and provided a description of the Competition Authority, its mandate and institutional features. She also underlined the challenges the authority faces to enforce competition law.

18. The third part of the session was dedicated to questions from the peer countries to the Dominican Republic, leading by Costa Rica (on institutional and legal framework of competition system), Chile (on merger control, anticompetitive practices and judicial review, as well as private enforcement) and Mexico (on competition advocacy and domestic and international co-operation). The Chair also questioned which recommendations the Dominican Republic considered the most and the least useful.

19. After additional questions asked by other delegates, the representatives of the Dominican Republic left the room and the LACCF delegates discussed the draft recommendations presented by the OECD Secretariat.

1.3. Session III on “Competition and Sports”

20. Session III of the LACCF addressed the topic of competition and sports. Sports are embedded in national cultures and are a relevant instrument to improve social development worldwide, including in Latin America and the Caribbean. Sports have also an increasingly economic dimension, which has raised several competition concerns, for instance regarding the organisation of sports events, sports broadcasting and sports labour markets. The session focused on these three main areas, providing a discussion on the main competition issues currently taking place in Latin American and Caribbean jurisdictions.

21. The Chair, Mr. Frédéric Jenny, started the session by presenting some specificities of sports, including the difference between economic competition – which is a means to an end – and sports competition – which is an end in itself. He also underlined that sports competition requires a certain degree of co-operation, as well as similar playing strength between participants, to ensure the uncertainty of the results.

22. Then, Mr. Marcelo Guimarães, OECD Competition Expert, presented the OECD Secretariat's Background Note. He described the special features of the sports sector which differentiate it from most ordinary economic activities. In addition, he stressed that there is an overall consensus that competition law applies to the professional sports sector, although competition authorities need to take into account the special features of the sector when applying competition law. He also presented the main competition issues related to professional sports.

23. The following invited speakers added to the discussions as guest experts: (i) Mr. Ben Van Rompuy, Professor of Law at Leiden University, who highlighted that sports governing bodies act as gatekeepers, both as regards the market for organisation of events and for the participation of competitors; (ii) Ms. Marcela Mattiuzzo, Professor at INSPER and Partner at VMCA, who focused on sports broadcasting, presenting an overview of different regulatory approaches of the sale of broadcasting rights and related competition issues, as well as the impact of new technologies in this market; and (iii) Ms. María Claudia Martínez, Partner at DLA Piper Martínez Beltrán, who addressed competition issues in sports labour markets, specifically as regards wage-fixing and no-poach agreements, as well as transfer rules.

24. The following delegations contributed with written contributions: Argentina, Brazil, Costa Rica, Colombia, Chile, Ecuador, Mexico, Paraguay, Spain and United States. Delegates also had an active participation during the session, with oral contributions covering cases related to the organisation of sports leagues (USA, Chile and Spain), issues related to the sale of broadcasting rights (Brazil, Paraguay and Spain) and sports channels (Mexico Paraguay and Argentina), as well as competition enforcement in sports labour market (Costa Rica, Mexico and Colombia).

25. In conclusion, the Chair highlighted that the sports industry raises a combination of concerns, some of which are traditional competition problems, while others are more related to the complexity of the sector. He proposed that competition authorities should carefully consider the specificities of the sports sector when assessing competition issues in order to address the issues adequately.

1.4. OECD Gender Toolkit and OECD Regional Center for Competition

26. Two additional sessions were held at the LACCF in 2023, namely (i) to promote the “OECD Gender Inclusive Competition Toolkit” and (ii) to report the activities of the OECD Regional Center for Competition in Latin America in Lima (RCC-Lima).

27. Launched on 7 September 2023, the “Gender Inclusive Competition Toolkit” explores the question of what competition has got to do with gender and equips competition authorities with the knowledge and tools required to incorporate gender considerations into their work. The Toolkit offers an evidence-based approach, with concrete recommendations that can enhance the accuracy of analysis, facilitate cartel investigations and optimise advocacy efforts. After an overview of the Toolkit provided by Mr. Ori Schwartz, head of OECD Competition Division, the following authorities shared their experiences: Mr. Alexandre Cordeiro Macedo, Chair of CADE (Brazil), Ms. Andrea Marván, Chair Commissioner of COFECE (Mexico) and Ms. Marisa Luisa Tierno Centella, Director-General for Competition of CNMC (Spain).

28. As for the report of the RCC-Lima activities, Mr. Hugo Figari, Senior Advisor at INDECOPI (Peru) presented the main activities planned for the current year, with workshops dedicated to the following topics: “Introduction to Competition Enforcement for New Staff”, “Competition in the Aviation Sector”, “Market Studies” and “Key Challenges for New Merger Control Regimes”. Since 2019, the Center has benefited more than 1,500 participants from around 25 jurisdictions in Latin America and the Caribbean. Mr. Ori Schwartz, Head of the OECD Competition Division, invited delegates to suggest topics for the next year and made remarks on future perspectives including an update on the high-level ceremony for the signature of the renewal of the Memorandum of Understanding (MoU) that establishes the RCC, which was held on 27 September 2023 in Lima in the presence of the OECD Secretary-General,

Mr. Mathias Cormann; the President of the Peruvian Council of Ministers, Mr. Alberto Otárola Peñaranda; the Peruvian Minister of Foreign Affairs, Ms. Ana Cecilia Gervasi; and Indecopi's President Ms. Karin Cáceres Durango (more information [here](#)).

1.5. Announcement of 2024 LACCF host and Peer Review candidate

29. Following the procedure established by the OECD Secretariat that included a call for expression of interests, the next LACCF host was announced during the closing session: **Dominican Republic**, hosted by Pro-Competencia and planned for September 2024. Similarly, the next beneficiary of an OECD-IDB LACCF Peer Review was also announced: **Uruguay**.

3. Additional meetings held alongside the LACCF

30. The **National Day of Ecuador** was held before the LACCF on the morning of 27 September 2023, with opening remarks by Mr Danilo Sylva, Superintendent of SCE, and Mr. Frédéric Jenny, Chair of the OECD Competition Committee. The event was divided into two sessions: one dedicated to Fintechs, chaired by Mr. Ricardo Freire, Technical Intendent-General at SCE, and another focused on a follow-up of the OECD-IDB Peer Review of Ecuador's Competition Law and Policy completed in 2021. The sessions benefited from the contributions of the following expert speakers: Mr. Andrés Barreto (Colombia), Ms. Leticia Vega (COFECE, Mexico), Ms. Tatiana Rodriguez (Monetary Regulation Board, Ecuador), Ms. Patricia Alvear (Ecuador) and Mauricio Alarcón (Ecuador).

31. A meeting of the **Ibero-American Forum on Competition** was held on the afternoon of 27 September 2023. A principal aim of this Forum is to further co-operation between the Heads of Latin American competition authorities, as well as the Heads of the competition agencies in Spain and Portugal. The opening remarks were delivered by Mr. Danilo Sylva Pazmiño, Superintendent of SCE, and Miguel Moura e Silva, Member of AdC Board (Portugal). The first roundtable, for authorities only, was moderated by Ms. Marisa Tierno, Director-General for Competition of CNMC (Spain), on "Challenges around Unilateral Conducts: Enforcement, Regulation, and Advocacy", and benefited from interventions from Brazil (CADE), Costa Rica (COPROCOM), Mexico (COFECE) and Peru (INDECOPI). The second roundtable was moderated by Miguel Moura e Silva (AdC, Portugal) on "Gun Jumping in Merger Control: Recent Developments in Enforcement and Advocacy", with presentations from Brazil (CADE), Mexico (COFECE) and Chile (TDLC). Ms. Marisa Tierno (CNMC, Spain) closed the event.

32. The Annual Meeting of the **Group of Competition Agencies of America (GrACA)** was also held at the end of the afternoon of 27 September 2023. The session was opened by Mr. Danilo Sylva Pazmiño, Superintendent of SCE, and Mr. Paulo Burnier, OECD Senior Competition Expert, and co-ordinated by Ms. Leticia Vega, General Director of the Coordination Office of COFECE (Mexico). The main purpose of the meeting was to present the report from GrACA working group on digitalisation, co-chaired by Brazil (CADE) and Mexico (COFECE). Mr Alexandre Cordeiro Macedo, Chair of CADE (Brazil) led the presentation. Then, Ms. Leticia Vega put the agenda for 2024 up for discussion.

4. Evaluation results from participants

33. The participants considered the 21st edition of the LACCF to have been successful giving an overall score of 4.9 out of 5, which is above the average overall score of past years. In addition, delegates provided comments and suggestions for the next LACCF including:

- Compliments to SCE's team as excellent host for the LACCF in Quito;
- Support for hybrid format to increase the number of beneficiaries, while encouraging in-person participation (e.g. with all speakers attending in-person); and
- Request to share a preliminary draft of the potential Peer Review recommendations with delegates before the LACCF meeting (excluding the beneficiary country).

34. As for future topics, the following ones were suggested by the OECD Secretariat after consultation with delegates and received the following support scores:

- Competition, Fintechs and Open Banking: 4.5 / 5.0
- Exchange of information between competitors: 4.5 / 5.0
- Quantification of competition benefits: 4.5 / 5.0
- Enforcement challenges in hybrid world: 4.3 / 5.0

35. Other topics suggested by delegates in the evaluation form include:

- Gun-jumping
- Competition and Intellectual Property
- Competition in digital platforms
- Competition in labour markets
- Implementation of cartel programmes to new competition authorities

36. A meeting of the LACCF delegates will take place on 8 December 2023 from 8:30 to 9:30 at the OECD in the margins of the OECD Global Forum on Competition (GFC) in Paris.

Annex I – Number of attendees and countries

EVENT SUMMARY

EVENT TITLE	LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM (LACCF)
PLACE	Quito, Ecuador
DATES (DAY, MONTH, YEAR)	28-29 September 2023
EXPERTS (NAMES AND COUNTRY)	Eleanor Fox (United States), Taimoon Stewart (Jamaica), Catalina Medel (Chile), Ben Van Rompuy (Netherlands), Marcela Mattiuzzo (Brazil), María Claudia Martinez (Colombia).
TOTAL NUMBER OF PARTICIPANTS	170 (61 in person and 109 virtually)
PARTICIPANT COUNTRIES (NUMBER FROM EACH)	Argentina (3), Brazil (21), Canada (1), Chile (3), Colombia (5), Costa Rica (3), Dominican Republic (8), Ecuador (24), El Salvador (3), Guatemala (2), Haiti (1), Honduras (8), Jamaica (1), Mexico (16), Netherlands (1) Nicaragua (15), Paraguay (4), Peru (6), Portugal (2), Spain (10), Trinidad & Tobago (5), United States (5), Uruguay (1), Andean Community (5), CARICOM (1), IDB (2), OECD (13).