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English - Or. English

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

LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM

Session I: Compliance Programmes in Antitrust Enforcement – Hearing

20-22 September 2021

This document is circulated in preparation of the Hearing discussion under Session I of the Latin American and Caribbean Competition Forum that will take place in a virtual format on 20-22 September 2021 hosted by the OECD and IADB on the OECD Zoom platform. Delegations are requested to submit their written contributions to the Secretariat by 31 August 2021 at the latest. Advance notice of your intention to submit contributions before or by 18 August 2021 would be useful.

More documents related to this discussion can be found at oe.cd/lacfc.

Please contact Ms. Lynn Robertson if you have any questions regarding this document
[Lynn.Robertson@oecd.org].

JT03479908

*Session I: Competition Compliance Programmes
in Antitrust Enforcement
– Hearing –*

Dear Colleagues,

1. This year's OECD-IDB Latin American and Caribbean Competition Forum (LACCF) will feature a session on "Competition Compliance Programmes". In discussions with the Secretariat, and informal discussions with several delegations, we have determined that the most useful, and interesting format for this session would be a Hearing which privileges a sharing of learning and experiences amongst the delegations of the Latin American and Caribbean region.
2. This Hearing will build upon the discussions held in June on the same topic in Working Party 3 of the Competition Committee in which some LACCF delegations participated. Delegations who prepared contributions for this session are invited to contact the Secretariat to indicate their interest in providing a short presentation based on their contribution. The amount of time allotted to each presentation will be determined by the number of jurisdictions that volunteer as we do wish to ensure sufficient time for discussion.
3. We are also aware of interesting developments taking place on the issue of compliance programmes in jurisdictions that were not present during the WP3 session. Delegations may provide a written contribution for the session, and may be asked to a short presentation in the Hearing, based on their contributions.
4. This letter aims to identify some topics that could be addressed in the session and in any contribution, you may want to make. To assist you further with the preparation of your contribution, I refer you to the Secretariat background paper, which is provided with this letter and is available online (www.oecd.org/daf/competition/competition-compliance-programmes.htm) along with the contributions and summary received for WP3. You may wish to note the extensive bibliography in the background paper.
5. During this Hearing, we will explore what factors competition authorities consider to be essential for effective compliance programmes, what are the reasons for policy changes in agencies' promotion of compliance or recognition of compliance programmes, and what are the indications that compliance programmes lead to a decrease in the probability of violations or their gravity. The focus of the discussion will be on cartels, however, compliance considerations relevant to abuses of dominance and merger control will be included where appropriate.
6. The following main questions may guide the Hearing and inform your submissions:
 - Has your agency changed its position with regard to promoting competition compliance programmes? Has it changed its policies regarding acknowledging competition compliance programmes when deciding about charging companies or individuals, penalising or settling cartel cases? Explain the rationale for any change in policy.
 - Which criteria are used by agencies to assess if a compliance programme can be considered as comprehensive and effective? What are criteria that distinguish effective from ineffective programmes?

- How have advocacy policies evolved to incentivise more and better competition compliance? How does the agency determine if such policies are effective? How are advocacy efforts to large businesses or SMEs differentiated?
- Competition compliance programmes do not exist in a vacuum. What can be learnt from the wider set of compliance rules? Are their lessons to be learned from, for example, anti-corruption compliance policies and the incentives for their effective implementation?
- What is new or remains to be explored in the area of competition compliance? Are there particular characteristics or challenges of LACCF societies, competition enforcement, policies, or competition culture that need to be taken into consideration during discussions about competition compliance programmes?

7. I would like to remind you that the Secretariat will compile short summaries of any new written contributions to be distributed before the meeting. I invite you to submit such a short summary (no more than one page) together with your contribution.

8. In order to ensure an effective preparation of the Hearing discussion, I would be grateful if you could advise the Secretariat by **Wednesday 18 August 2021** at the latest if you are planning to make a written contribution on the topic. Written submissions are due by **Tuesday 31 August 2021** and failure to meet this deadline may result in your contribution not being distributed in a timely fashion in advance of the meeting.

9. All communications regarding the documentation for this Hearing should be sent to Ms. Angélique Servin (Angelique.SERVIN@oecd.org). Please address all substantive queries relating to this discussion to Ms. Lynn Robertson (Lynn.ROBERTSON@oecd.org).

10. The contributions themselves should be sent by email (as a Word document in electronic format, 5 pages maximum in Spanish or English) to Angélique Servin (Angelique.Servin@oecd.org) and copied to Lynn Robertson (Lynn.Robertson@oecd.org) by **31 August 2021** at the latest. Country contributions will be circulated to participants through the LACCF website <http://www.oecd.org/competition/latinamerica/> and <http://www.oecd.org/competition/latinamerica/2021forum/>. Furthermore, if you would like to circulate other relevant material please submit a copy to the Secretariat before **31 August 2021**.