

LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM



FIFTEENTH ANNUAL MEETING OF THE LATIN AMERICAN AND CARIBBEAN COMPETITION FORUM
4 - 5 April 2017 • Managua, Nicaragua
Venue: Real Intercontinental-Metrocentro Managua

DRAFT AGENDA

(as of 28 March 2017)

Chairman: Frédéric Jenny

(Chairman of the OECD Competition Committee)

For all materials already available, please access **Programme & Documents** at www.oecd.org/competition/latinamerica.
For registration and practical information, please visit: www.laccf2017nicaragua.com/

TUESDAY 4 APRIL

LUNCHEON 12:30 – 14:00	Keynote Speaker: General Álvaro Baltodano , <i>Presidential Delegate for Investment Promotion and Foreign Trade, President of PRONicaragua</i>
OPENING SESSION 14:30 – 15:15	Opening Remarks: <ul style="list-style-type: none">➤ Enrique Bolaños <i>President of INCAE Business School</i>➤ Luis Humberto Guzmán <i>President, Procompetencia, Nicaragua</i>➤ Carlos N. Melo <i>Representative of the Inter-American Development Bank in Nicaragua</i>➤ Frédéric Jenny <i>Chairman, OECD Competition Committee, Latin American and Caribbean Competition Forum</i>
15:15 – 15:30	Group picture and coffee break

*** Other meetings held the same week in Managua (Venue: Real Intercontinental- Metrocentro)**

4 April (morning):

Nicaragua Competition Day

6 April (morning):

Ibero-American Forum on Competition

6 April (afternoon):

Meeting of the Latin American Regional Centre for Competition

TUESDAY 4 APRIL

SESSION I 15:30 – 18:00	CARTELS: ESTIMATION OF HARM IN PUBLIC ENFORCEMENT ACTIONS Competition authorities typically impose fines on companies for participating in a cartel. Sometimes they are criticised for setting large fines when the actual harm from the cartel is very low. To address this concern, some competition authorities are required also to calculate estimated harm from cartels, as a criterion for setting the fine, which builds on the economic effect of the conduct and not on a predefined formula based on turnovers. A major question then becomes whether fines should be more related to a formula based on affected revenues or whether fines should at least be pre-conditioned or built up from estimates of either harm to consumers or illegitimate profits derived by cartel participants. The roundtable will identify and discuss techniques for estimating harm or illegitimate benefits from cartels.
Coffee break 16:30-16:45	Session Chair: Frédéric Jenny (Chairman, OECD Competition Committee, Latin American and Caribbean Competition Forum) Presentation by Sean Ennis, <i>Senior Economist, Competition Division, OECD</i> Speakers : <ul style="list-style-type: none">• Melanie Krebs-Pilotti <i>International Counsel, Department of Justice, United States</i>• José Maria Marín-Quemada <i>Chairman, CNMC, Spain</i>• Eduardo Saavedra P. <i>Judge, Competition Tribunal, Chile</i>• Walter Westphal Oberschmidt <i>Director for Special Procedures, COFECE, Mexico</i> General Discussion and Final Comments For Reference: Call for Country Contributions: English Spanish Background note by the OECD Secretariat - English Spanish Contributions from Argentina, Brazil (CADE), Chile (TDLC), Colombia, Dominican Republic, Mexico (COFECE), Peru, Portugal, Spain, USA
19:00	WELCOME RECEPTION HOSTED BY PROCOMPETENCIA (Intermezzo del Bosque Restaurant, Managua)

WEDNESDAY 5 APRIL

<p>SESSION II</p> <p>09:30 – 13:00</p> <hr/> <p>Coffee break 11:00-11:15</p>	<p>MERGER CONTROL IN LATIN AMERICA AND THE CARIBBEAN – RECENT DEVELOPMENTS AND TRENDS</p> <p>When faced with a notified merger, competition authorities need to be able to assess any potential anti-competition effects, the magnitude of these effects and their relationship to the potential benefits that the merger could produce. Merger control raises complex challenges related to the legal standard applied by agencies, to the economic tools they need to master to predict the effects of the transactions and to the remedies– behavioural, structural or a combination of both – they need to devise in case of conditional clearances.</p> <p>A number of jurisdictions in the region have recently adopted, or are in the process of adopting a new merger control system; others have amended their regimes to improve their ability to catch, review and remedy potentially anti-competitive transactions. This three part session will discuss i) recent developments in the Latin American and Caribbean region on merger control; ii) factors to take into account when considering structural and/or behavioural remedies; iii) and, agency decision making in prohibitions and conditional clearances.</p> <p>Session Chairs : Luis Humberto Guzmán (President, Procompetencia, Nicaragua) and Mario A. Umaña (Lead Trade and Competition Specialist Integration and Trade Sector, IDB)</p> <p>Presentation: Felipe Serrano Pinilla, <i>Former Head Advisor and Deputy Superintendent, SIC, Colombia</i></p> <p>Speakers:</p> <ul style="list-style-type: none"> • Amanda Athayde <i>Head of the Leniency Unit and Chief of Staff at CADE's General Superintendence, Brazil</i> • Russell Damtoft <i>Associate Director Federal Trade Commission, United States</i> • Manuel Emilio Ruiz Gutiérrez <i>Council Member, SUTEL, Costa Rica</i> <p>General Discussion and Final Comments</p> <p>For Reference:</p> <p>Call for Country Contributions: English Spanish</p> <p>Background note by the OECD Secretariat - English Spanish</p> <p>Contributions from Brazil (CADE), Chile (FNE), Costa Rica (COPROCOM and SUTEL), Ecuador, Mexico (COFECE), Portugal, USA and CARICOM</p>
<p>LUNCH BUFFET</p> <p>13:00 – 15:00</p>	<p>MEETING OF THE HEADS OF AGENCIES (CLOSED MEETING)</p>

WEDNESDAY 5 APRIL

<p>SESSION III</p> <p>15:00 – 18:00</p> <hr/> <p>Coffee break 16:00-16:15</p>	<p>ADDRESSING COMPETITION CHALLENGES IN FINANCIAL MARKETS</p> <p>Competition agencies face a number of sector specific challenges in financial markets. For example, policy considerations such as market stability and consumer protection are often important for governments. This means effective co-operation with sector regulators and central banks is frequently required when advocating for policy solutions that take into account efficiency concerns in addition to these other objectives. Furthermore, competition agencies also need to familiarise themselves with the way the sector functions, for example, the way in which interest rates are set, and systemic risks are dealt with.</p> <p>Perhaps as a result of these types of challenges, many agencies in the Latin American and Caribbean region have decided to familiarise themselves with the sector through market studies.</p> <p>This session will therefore discuss agencies’ co-operation with regulators and central banks, while offering an opportunity for agencies to share their experiences and the challenges they have faced when conducting studies of financial markets.</p> <p>Session Chair: Marcela Gómez Masís (President, COPROCOM, Costa Rica)</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Kusha Haraksingh <i>Chairman, CARICOM</i> • Márcio Issao Nakane <i>Professor, Economics Department, University of São Paulo</i> • Manuel Sebastião <i>Member of the Board of Directors, Redes Energéticas Nacionais (REN)</i> • Spencer Weber Waller <i>Associate Dean and Professor Loyola University Chicago School of Law</i> <p>General Discussion and Final Comments</p> <p>For Reference:</p> <p>Call for Country Contributions: English Spanish</p> <p>Background note by the OECD Secretariat - English Spanish</p> <p>Paper by Manuel Sebastião - English (<i>only</i>)</p> <p>Contributions from Argentina, Brazil (CADE and SEAE), Chile (FNE), Costa Rica (COPROCOM), El Salvador, Jamaica, Mexico (COFECE), Peru, Spain, USA and CARICOM</p>
<p>SESSION IV</p> <p>18:00 – 18:30</p>	<p>EVALUATION AND FUTURE WORK</p> <p>Session Chair : Frédéric Jenny</p> <p>General discussion, topics for LACCF 2018 and closing remarks</p>
<p>19:30</p>	<p>SOCIAL DINNER HOSTED BY PROCOMPETENCIA (Hotel Dario, in Granada)</p>

**tea/coffee will be available outside the room*