

# ICN Cartel Workshop 2024 – Mexico City

Draft Agenda

October 2-4, 2024

Barceló Reforma Hotel, Mexico City

ICN Cartel Workshop 2024 The Future of the Fight Against Cartel Agreements			
Time	Day 1	Day 2	Day 3
08:00-09:00	Registration	Registration	Registration
09:00-10:00	Opening Session	Plenary 2	BOS 5
10:00-10:30	Coffee Break	Coffee Break	Coffee Break
10:30-12:00	Plenary 1	BOS 3 (3 slots)	Plenary 4/Keynote Closing Remarks
12:00-14:00	Lunch	Lunch	Lunch
14:00-15:30	BOS 1 (3 slots)	BOS 4 (3 slots)	Cultural/Touristic event
15:30-16:00	Coffee Break	Coffee Break	
16:00-17:30	BOS 2 (3 slots)	Plenary 3	
19:00-22:00		Social event	

## Day 1 – October 2

08:00 – 09:00 **Registration**

09:00 – 10:00 **Opening Session**

*CWG Co-Chairs*

*Andrea Marván, Chair Cofece and ICN Vice-Chair*

10:00 – 10:30 **Coffee Break**

10:30 – 12:00 **Plenary 1 – Proactive Detection Tools: Building for the Future**

Based on the CWG's new project which focuses on detection tools outside the context of leniency, in this session speakers will discuss the variety of tools agencies are employing or developing to detect cartels and the challenges associated with gathering intelligence and evidence

12:00 – 14:00 Lunch

14:00 – 15:30 **Breakout Session Round 1**

**BOS 1: Using Human Intelligence in Cartel Cases [Agency-Only]**

How can human sources be used effectively in cartel investigations? What are the opportunities and challenges presented? And how do you develop sources? What

tools are available? Agencies will discuss best practices and lessons learned from working with confidential informants, whistleblowers, and other human sources.

### **BOS 2: Working together to detect cartels**

What are the benefits of cooperating with other regulatory agencies within your jurisdiction to detect cartels? What are some of the mechanisms that competition agencies can use to generate more ex-officio investigations through cooperation?

### **BOS 3: What can agencies with limited investigative powers do to detect and prosecute cartels?**

Some agencies don't have all the classic investigative powers, particularly dawn-raids and leniency. How can they obtain better results with the limited tools they have? Through a creative use of these tools, they can boost their results. Agencies may also wish to talk about how they use their enforcement and/or court processes to better ensure deterrence.

15:30 – 16:00 Coffee Break

16:00 – 17:30 **Breakout Session Round 2**

### **BOS 4: Labor markets: what comes next?**

In the last few years, competition agencies have defined labor markets as one of their priorities, prosecuting no-poach and wage fixing agreements. Recently, no-compete agreements focusing on employees have been considered illegal. Considering the experience of multiple jurisdictions, what steps in terms of policy and detection/investigation techniques can agencies implement to strengthen the prevention and fight against this type of practices?

### **BOS 5: Green agreements vs Green Cartels: Where to draw the line?**

This session will explore where competition agencies should draw the line between permitted collaboration to achieve environmental benefits and a cartel agreements that break the law. For example, identifying types of beneficial collaboration/green agreements that can be legal as well as those that are illegal, including so called "green cartels" which restrict the development or use of more environmentally friendly products and services to the detriment of not only consumers but also the environment.

### **BOS 6: Championing gender equality through cartel enforcement**

What does gender have to do with competition enforcement? And can agencies help gender equality through cartel investigations? Drawing on research by competition agencies and academics, and learnings from the OECD Gender Inclusive Competition Toolkit, this session will discuss, among other things, how gender is implicated in the social context of cartel formation and corporate compliance, applying a gender lens to data to improve outcomes, and the strengthening competition agencies through diversity and inclusion in

## Day 2 – October 3

08:00 – 09:00 Registration

09:00 – 10:00 **Plenary 2 - The future of leniency programs**

In the last couple of years competition authorities have sought to improve their leniency programs to make them more attractive, however there are still some obstacles that limit their appeal. What are some of the opportunities and challenges? What measures have agencies adopted to increase the number of applicants? This will be an opportunity to hear from enforcers and NGAs.

10:00 – 10:30 Coffee Break

10:30 – 12:00 **Breakout Session Round 3**

### **BOS 7: Competition, Sports and Cartel Enforcement**

The majority of sports require agreements between economic agents that could be considered as competitors between themselves to, for example, define the rules of the game, the schedule of matches, sanctions, etc. It has been considered that these agreements should be allowed as they strictly refer only to the “rules of the game” (i.e. what’s necessary for the sport to develop); however, there are gray areas where competition law could be breached. For example, financial fair play, the absence of promotions and descents, limitations to participate in alternate leagues and federations, etc. In this sense, what perspectives have competition agencies used to address these issues?

### **BOS 8: Dawn raid training session [agency-only] *This session will cover 2 hours time***

This session will provide general training on the practicalities of conducting a dawn raid (as well as introducing the current project to update the Anti-Cartel Enforcement Manual chapter on Dawn Raids).

### **BOS 9 – Tendencias en la lucha contra acuerdos colusorios: experiencias en común (Spanish language session)**

This session would provide a space for experience sharing for Spanish-speaking jurisdictions with an emphasis on discussing the challenges and difficulties faced in cartel enforcement.

12:00 – 14:00 Lunch

14:00 – 15:30 **Breakout Session Round 4**

### **BOS 10: Forensic and big data tools for cartel investigations**

What are the best forensic and big data tools for cartel investigations? What are some of the latest innovations in the field? How can agencies prepare for the onset of big data and especially for investigations dealing with algorithmic collusion?

### **BOS 11: Economic analysis and data in cartel investigations**

It would be useful to share experiences on the use of economic analyses as evidence of cartel agreements. What analyses can be useful? What information is required? What evidentiary value do they have? How much are these analyses used? Which cases are recommended for their use? Can they be enough for criminal/penal actions?

### **BOS 12: Interview training [agency-only] *This session will cover 2 hours time***

Carry out a simulation or a live demonstration of an interview, so that participants can obtain helpful tips, strategies, methodologies, and experiences to improve their interviewing skills.

15:00 – 15:30 Coffee Break

### 16:00 – 17:00 **Plenary 3 New Technologies and Collusion**

New technologies (artificial intelligence, blockchain, etc.) can be useful for cartelists to facilitate and monitor the compliance with anti-competitive agreements and sanction non-compliance in an efficient and quick manner. However, they can also, depending on the level of autonomy, serve as a vehicle for collusion with or without the knowledge of economic agents. What options are available for competition agencies to prevent and prosecute these cases? Are the current legal tools enough or are changes to the law necessary? What changes should competition agencies make to their internal structures and investigation methods? What tools could be riskier for the markets? What actions should competition agencies implement to minimize risks?

19:00 – 22:00 **Welcome reception**

## **Day 3 - October 4**

08:00 – 09:00 Registration

### 09:00 – 10:00 **Breakout Session Round 5**

**BOS 13: Collusion in public procurement: (i) using AI techniques to detect cartels in public procurement and (ii) looking beyond tenders, auctions and other forms of acquisition.**

How can AI techniques be used to successfully detect cartels in public procurement? Normally, when talking about collusion in public procurement, the starting point is a classic tendering model, but purchasing entities have implemented new procurement techniques (for example, reverse auctions, consolidated purchases): What experiences have competition authorities had with these new procurement models? What are some of the new challenges (prevention, detection, and investigation) that agencies are facing when dealing with bid-rigging cases? Likewise, other public procurement schemes and the way agencies have approached the study of collusion in said formats could be discussed. For example,

restricted invitations or direct assignments, and even, before the procedures in the market study stage of the purchasing authorities.

**BOS 14: Algorithms and collusion: What are agencies doing to detect algorithmic collusion? [agency only]**

This session will explore best practices regarding the detection of algorithmic collusion.

**BOS 15: What will the future of cartel detection and enforcement be?**

Many agencies have been enforcing for a number of years – are there lessons around what types of markets are most susceptible to cartel conduct? Is that helping us with detection going forward? Here we could have a panel talking not about specific markets eg agriculture but more what are the characteristics (both traditional and recent) that can lead to conduct eg – price shocks, regulatory changes and vertical integration. The panel will also consider whether there are any lessons from criminal prosecutions.

10:00 – 10:30 Coffee Break

10:30 – 11:30 **Plenary 4: The Future of International Cooperation in the Fight Against Cartels**

International cooperation can be an effective tool and force multiplier in the fight against cartels. However, many practical challenges arise in the context of cooperation. The objective of this session will be to delve into the procedural, operational and legal difficulties faced by authorities that can hamper international cooperation. The session will touch upon issues such as the difficulties of notifying foreign firms, sharing intelligence as well as information and documents, and coordinating investigative steps, to identify common issues and set an agenda to work on possible solutions for the future.

11:30 - 12:00 **Closing session**

12:00 – 14:00 Lunch

14:00 – **Cultural & Touristic activities (self-funded by each participant, Cofece will provide several options).**