

ICN Cartel Workshop 2024

Agenda

October 2-4, 2024

Barceló Reforma Hotel, Mexico City

Day 1 – October 2

08:30 – 09:30 **Registration**
Foyer, 1st Floor

09:30 – 10:00 **Opening Session**
Revolución Room

- Andrea Marván, Chair, Cofece Mexico and ICN Vice-Chair
- Manish Kumar, Deputy Assistant Attorney General, US DOJ Antitrust Division (On Behalf of the CWG Co-Chairs)

10:00 – 10:30 **Coffee Break**
Foyer, 1st Floor

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

Moderator: Despina Pachnou, Competition Expert, OECD

Panelists:

- Cani Fernández, President, CNMC Spain
- Manish Kumar, Deputy Assistant Attorney General, US DOJ Antitrust Division
- Maria Jaspers, Director of Cartels, DG COMP
- Lucília Falsarella Pereira, Senior Director – Competition Enforcement, UK CMA
- Alyssa Carmelli, Monitoring and Investigation Division Chief, PCC Philippines

12:00 – 14:00 **Lunch**
Reforma Room, Basement

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

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

Revolución Room

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.

Moderator: Ana María Resendiz, Commissioner, Cofece Mexico

Panelists:

- Roy Matthan, Senior Investigator, New Zealand Commerce Commission

- Giuseppe Stuppia, Legal Officer Cartels Directorate, Italian Competition Authority
- Colette McGuigan, Deputy Director, Competition and Consumer Protection Commission, Ireland
- Devon Mahoney, Investigator, US DOJ Antitrust Division

BOS 2: Working together to detect cartels

Juárez Room

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?

Moderator: Joseph Walser, Deputy Director Cartels, Competition and Consumer Protection Commission, Ireland

Panelists:

- Abdul Karim, Senior Assistant Director, Malaysia Competition Commission
- Sean Farrell, Chief New York Office, US DOJ Antitrust Division
- Alex Wong, Head (Investigations II), Hong Kong Competition Commission
- Jean-Sébastien Rivard, Assistant Deputy Commissioner, Competition Bureau Canada
- Kamil Nejezchleb, Vice Chair, Office for the Protection of Competition, Czech Republic

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

Gran Insurgentes Room

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.

Moderator: Daniella Ramírez, Partner, Galicia Abogados, Mexico

Panelists:

- Maja Dobric, Senior Advisor, Commission for the Protection of Competition of Serbia
- Haw-Kae Chen, Inspector, Taiwan Fair Trade Commission
- Donghwan Shin, Director of International Legal Advisory Division, Korean Ministry of Justice
- Duamantas Grikinis, Head of Cartels Division, Lithuanian Competition Council

15:30 – 16:00 **Coffee Break**
Foyer, 1st Floor

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

BOS 4: Labor markets: what comes next?

Revolución Room

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?

Moderator: Leticia Vega, General Director of the Coordination Office, Cofece Mexico

Panelists:

- Michal Kolodzinski, Chief Expert, UOKiK Poland
- Louise Bánér, Director Competition Enforcement, UK CMA
- Stanislas Martin, Head of the Investigation Unit, Autorité de la Concurrence France
- Taís Fendi, Senior Legal Advisor, Autoridade da Concorrência, Portugal

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

Juárez Room

This session will explore where competition agencies should draw the line between permitted collaboration to achieve environmental benefits and a cartel agreement 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.

Moderator: Flávia Chiquito, Manesco Ramires Perez Azevedo Marques Sociedade de Advogados, Brazil

Panelists:

- Yoshihiro Sakano, Partner, City-Yuwa Partners, Japan
- Per Karlsson, NGA Sweden
- Grant Murray, Knowledge Counsel, Baker McKenzie, United Kingdom
- Stefan Ruech, Head of Case Division, Austrian Federal Competition Authority

BOS 6: Championing gender equality through cartel enforcement

Gran Insurgentes Room

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.

Moderator: Amparo Martínez, NGA Mexico

Panelists:

- Despina Pachnou, Competition Expert, OECD

- Viviana Blanco, Commissioner, Coprocom Costa Rica
- Karina Flores, Executive Director Cartels, Cofece Mexico

Day 2 – October 3

08:00 – 09:00 **Registration**

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

Revolución Room

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.

Moderator: Richard Powers, Partner, Kressin Meador Powers, United States

Panelists:

- José Manuel Haro, Head of the Investigative Authority, Cofece Mexico
- Grant Chamberlain, Head of Cartels, New Zealand Commerce Commission
- Marta Kruszka, Deputy Director of Competition Protection, UOKiK Poland
- Stanislas Martin, Head of the Investigation Unit, Autorité de la Concurrence, France

10:00 – 10:30 **Coffee Break**

Foyer, 1st Floor

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

BOS 7: Competition, Sports and Cartel Enforcement

Revolución Room

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?

Moderator: Sergio López, Partner, Von Wobeser y Sierra, Mexico

Panelists:

- Per Karlsson, NGA Sweden
- Leah McCoy, International Counsel, US DOJ Antitrust Division
- Marta Kruszka, Deputy Director, UOKiK Poland
- Marie Monforte, Director Competition Enforcement and Cartels, ACCC Australia

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

Juárez Room

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).

Facilitators:

- Beatriz Pérez Siles, Chief Case Handler, CNMC Spain
- Alex Wong, Head (Investigations II), Hong Kong Competition Commission
- Isabelle Gagné, Senior Competition Law Officer, Competition Bureau Canada

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

Gran Insurgentes Room

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.

Moderator: Lucia Ojeda, Partner, SAI Derecho & Economía, Mexico

Panelists:

- Daniel García-Zarza, Deputy Head of the Cartel and Leniency Unit, CNMC Spain
- José Manuel Haro, Head of the Investigative Authority, Cofece Mexico
- Maria Luisa Tierno, Head of International Unit, DG COMP
- Alejandra Giuffra, President, Commission for the Promotion and Defense of Competition of Uruguay
- Lenin Cocar, Coordinator of the Anticompetitive Practices Unit, Superintendencia de Competencia, El Salvador

12:00 – 14:00 **Lunch**

Reforma Room (Basement)

Breakout Session Round 4

13:45 – 15:45 **BOS 10: Interview training [agency-only] *This session will cover 2 hours time***

Juárez Room

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.

Facilitators:

- Devon Mahoney, Investigator, US DOJ Antitrust Division
- Simon Bessette, Major Case Director, Competition Bureau Canada
- Roy Matthan, Senior Investigator Cartels, New Zealand Commerce Commission

14:00 – 15:30 **BOS 11: Forensic and big data tools for cartel investigations**

Revolución Room

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?

Moderator: Colette McGuigan, Deputy Director, Competition and Consumer Protection Commission Ireland

Panelists:

- Nurul Afiqah, Senior Assistant Director, Malaysia Competition Commission
- Donghwan Shin, Director of International Legal Advisory Division, Korean Ministry of Justice
- Carlos García, General Director of Market Intelligence, Cofece Mexico

15:30 – 16:00 **Coffee Break**

Foyer, 1st Floor

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

Revolución Room

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?

Moderator: Alexandre Barreto, General Superintendent, CADE Brazil

Panelists:

- Emma Burnham, Director Criminal Enforcement, US DOJ Antitrust Division
- Víctor Meyer, General Director of Cartels, Cofece Mexico
- Jindrich Kloub, Partner, Wilson Sonsini Goodrich & Rosati, Brussels
- Nathalie Jalbert, Partner, Mayer Brown, France

19:00 – 22:00 **Welcome reception**

Reforma Room

Day 3 – October 4

08:00 – 09:00 **Registration**

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

BOS 12: 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.

Revolución Room

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.

Moderator: Louise Banér, Director Competition Enforcement, UK CMA

Panelists:

- Fernanda Garcia Machado, Assistant Superintendent, CADE Brazil
- Susana Campuzano, Director General for Competition, CNMC Spain
- Winnie Ching, Group Director Legal and Enforcement, CCCS Singapore
- Emin Alimusayev, Senior Advisor of the Legal Department, State Service for Antimonopoly and Consumer Market Control of Azerbaijan

BOS 13: Algorithms and collusion: What are agencies doing to detect algorithmic collusion? [agency-only]

Gran Insurgentes Room

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

Moderator: Lucília Falsarella Pereira, Senior Director – Competition Enforcement, UK CMA

Panelists:

- Maria Luisa Tierno, Head of the International Unit, DG COMP
- Carlos García, General Director of Market Intelligence, Cofece Mexico

BOS 14: What will the future of cartel detection and enforcement be?

Juárez Room

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.

Moderator: Alejandro Faya, Commissioner, Cofece Mexico

Panelists:

- Alexis Brunelle, Case Handler, Autorité de la Concurrence France
- Richard Powers, Partner, Kressin Meador Powers, United States
- Makgale Mohlala, Manager Cartels Division, Competition Commission of South Africa

- Leah Won, General Manager Cartels, Australia ACCC

10:00 – 10:30 **Coffee Break**
Foyer, 1st Floor

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

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.

Moderator: Giuseppe Stuppia, Legal Officer Cartels Directorate, Italian Competition Authority

Panelists:

- Pierre-Yves Guay, Deputy Commissioner Cartels, Competition Bureau Canada
- Winnie Ching, Group Director Legal and Enforcement, CCCS Singapore
- Leah Won, General Manager Cartels, ACCC Australia
- Johan Ysewyn, Co-Head of Global Competition Group & Managing Partner Brussels, Covington & Burling LLP, Brussels

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

12:00 – 14:00 **Lunch**
Reforma Room

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