Intergovernmental Group of Experts on Competition Law and Policy, Fifteenth Session

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Round Table on:

"Strengthening private sector capacity for competition compliance"

Contribution

By

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October 21, 2016
Competition law compliance – today

- Companies – responsible for compliance with respect to all laws and regulations
  - Companies want to comply – strong positive and negative incentives
  - But awareness of competition laws globally is too low
  - Effective compliance programs – key but vary

- Agencies – movement to improve compliance beyond basic enforcement through dynamic outreach
  - Raising awareness is vital
  - Outreach/advocacy is the emerging and effective new tool to complement law enforcement
  - Efficient investment – prevention vs cure
Outreach – agencies helping companies – and each other!

- Many examples by agencies of excellent outreach tools and dynamic approaches on compliance
  - Websites, written guidelines, compliance presentations/trainings, videos, program templates & review of compliance programs, effective program credit
  - Multi-faceted approaches and multiple contact points
  - UNCTAD, ICN here to support you too
  - Messaging is key – positive and negative types

- Partnering with the legal sector/private bar can help too
  - We are often your proxies in the boardroom and at management/employee level
  - ICC/Canada Competition Bureau partnership example
Great resources/inspiration from your fellow competition agencies around the world

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Agency tools for private sector capacity enhancement

Private sector outreach: select agency materials

**Australia**


2. Compliance templates

**Brazil**

1. Comic Book: *Cartel da Limonada* – Brazilian Ministry of Justice

2. Poster: *Jogando Limpo* (In Portuguese) – Brazilian competition authorities (CADE, SDE)

3. Postcard: *Cartel é Crime* (In Portuguese) – Brazilian Ministry of Justice (SDE)
   (http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/brazil_postal_cas.pdf)
Next steps

- If you have compliance outreach already – tell them, and tell them again!

- If you don’t, look to your fellow agencies and other resources for help and support, to start

- Combine enforcement and future compliance
  - Compliance program (new/improved) as part of an enforcement remedy/order

- Time for an internationally supported model compliance program?
  - Best practices/standards
  - How to implement effectively and continuously
Private + Public sector partnering via compliance

Use outreach/advocacy on competition law compliance as a positive Bridge between your agency and the private sector to enhance compliance and build together a competition culture.

Compliance

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Thanks!

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