

FISCALIA
NACIONAL
ECONOMICA

FNE Chile Communication Strategies



Felipe Irarrázabal Phillipi
Fiscalía Nacional Económica (Chile)

**Intergovernmental Group of Experts on Competition Law and Policy,
14th session, July 2014.**



UNCTAD's Note

"When used effectively, communication strategies can educate and engage the general public, increase compliance with competition laws, shape policy debates and empower competition authorities".

"A well-developed and comprehensive communication strategy is one of the most powerful tools competition authorities possess to establish, maintain and promote competition culture".

"Stating and explaining the merits of a competitive environment in common language may help the general public to better relate to competition policy objectives".

FNE Chile


Communication Strategies

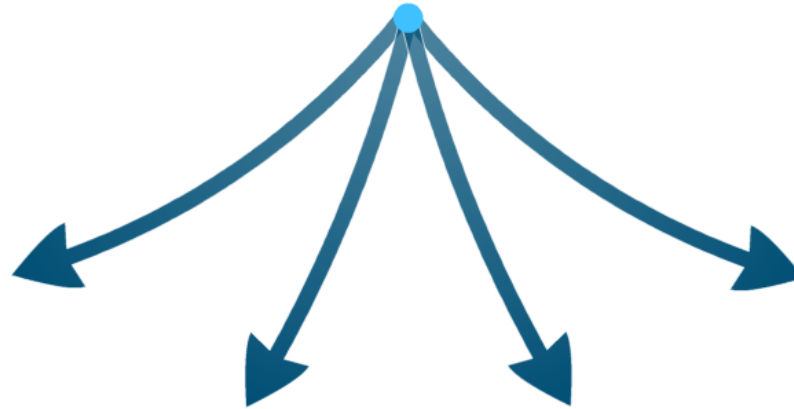
Legal Framework

- FNE is the agency in charge of protecting free competition (prosecutor entity)
- Legal secrecy vs Transparency law
- Technicalities

 Preference for a discrete mediatic profile

Recommendations

- To maintain technical character and not over expose the authority and the institution
 - To have a sole spokesman in order to avoid the risk of having conflicting versions and information leaks
 - To cover with a team that can distribute the information and transfer it to the media
 - To maintain a website that is up to date with the most complete information possible
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Communication on Several Levels



Warnings

- Risks of affecting the mission and efficiency of the Agency if more information than necessary is given.
- Declarations given by the spokesman can be used against the Agency in trial.
- There is danger of revealing a case's strategy to counterparts.

 Avoid over-mediatization.



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"Efficient and effective communication strategies can identify and repair the general public's, business community and competitors' false, false public relations and negative competition behaviour".

"A well-developed and comprehensive communication strategy is one of the most important tools competition authorities possess to establish, maintain and promote competition culture".

"Creating and implementing the norms of a competition enforcement is complex. It can be made help the general public to better value its contribution to the economy".



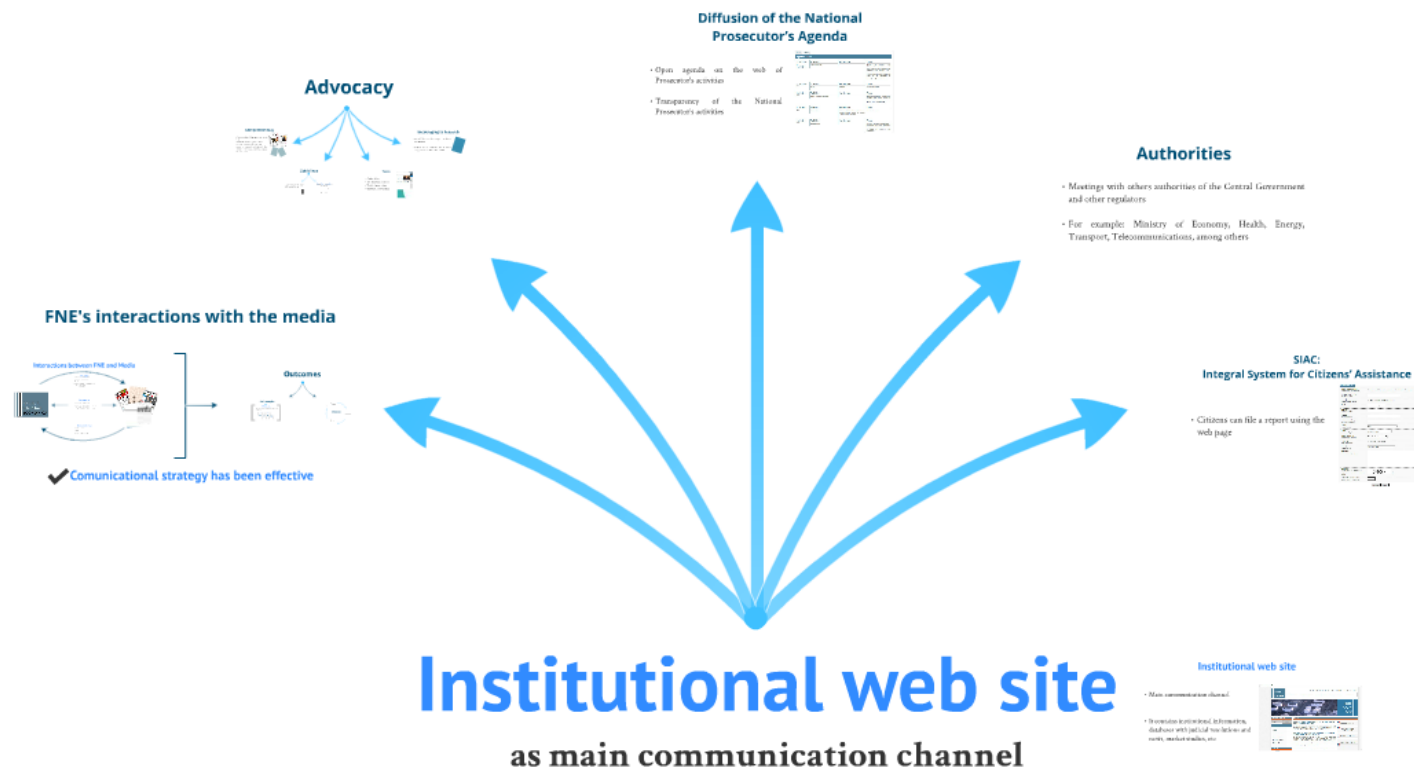
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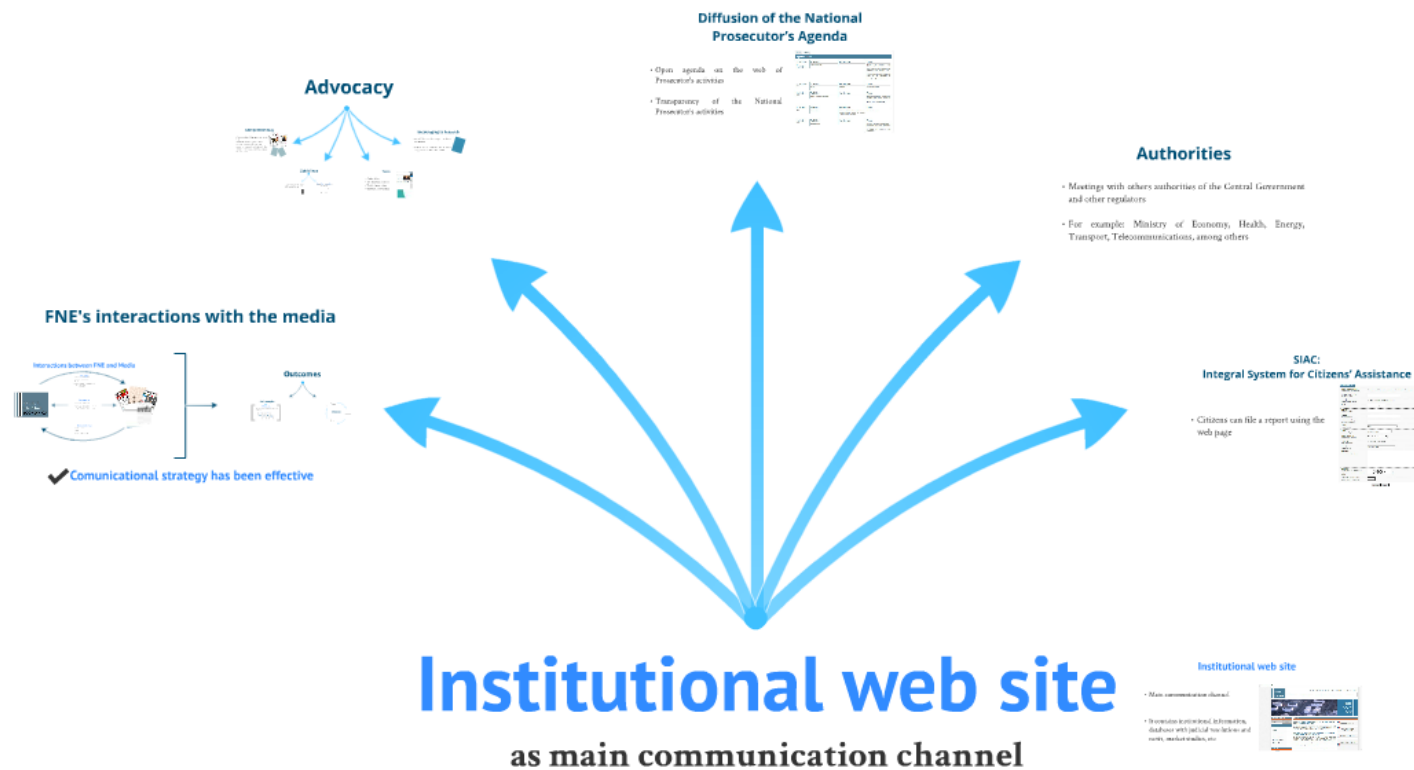


Institutional web site

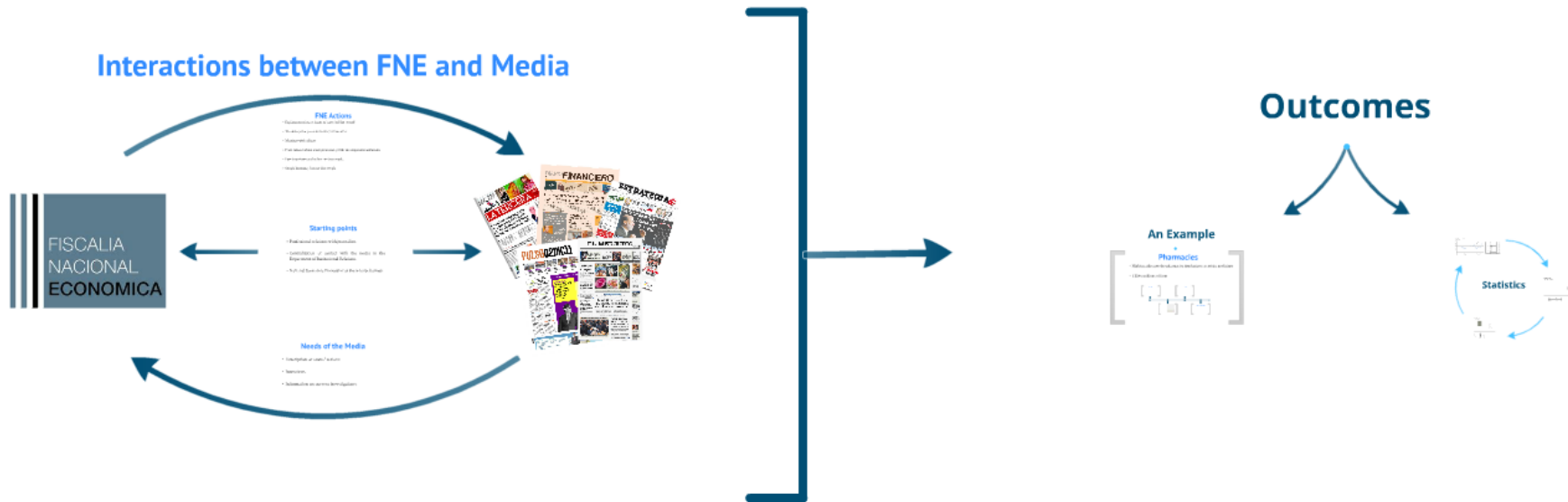
- Main communication channel
- It contains institutional information, databases with judicial resolutions and news, market studies, etc



Communication on Several Levels

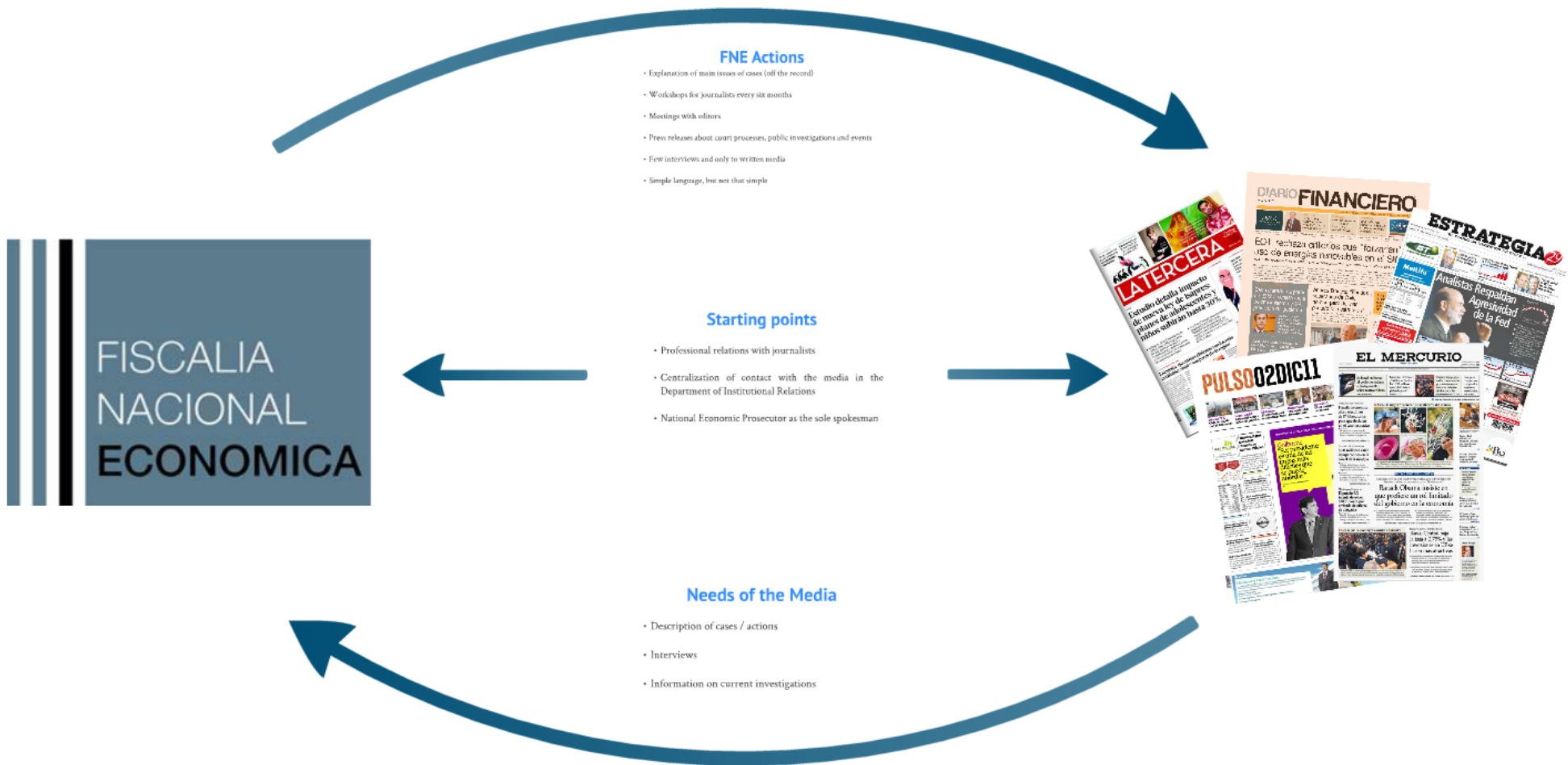


FNE's interactions with the media



✓ **Communicational strategy has been effective**

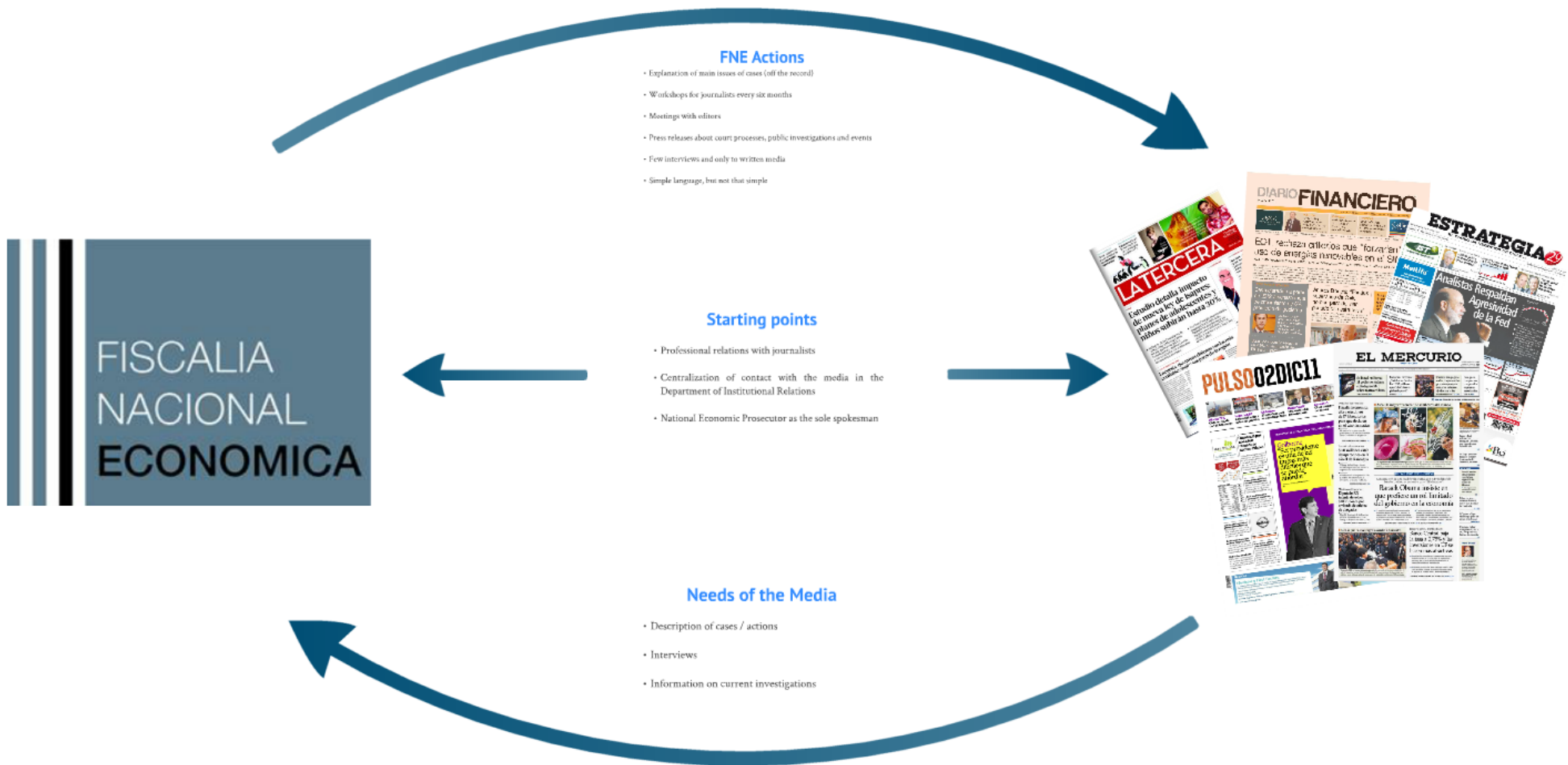
Interactions between FNE and Media



Starting points

- Professional relations with journalists
- Centralization of contact with the media in the Department of Institutional Relations
- National Economic Prosecutor as the sole spokesman

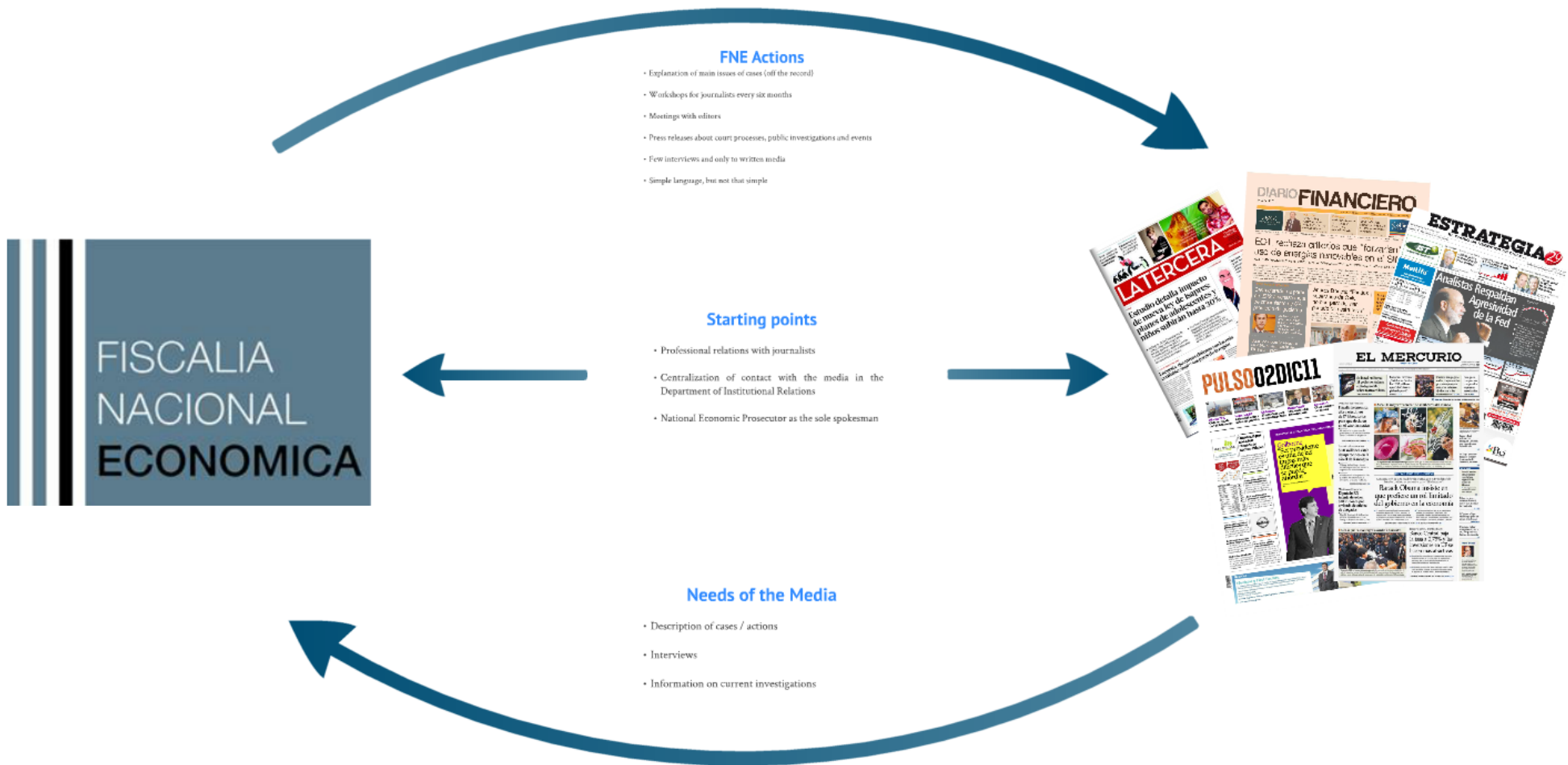
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FNE Actions

- Explanation of main issues of cases (off the record)
- Workshops for journalists every six months
- Meetings with editors
- Press releases about court processes, public investigations and events
- Few interviews and only to written media
- Simple language, but not that simple

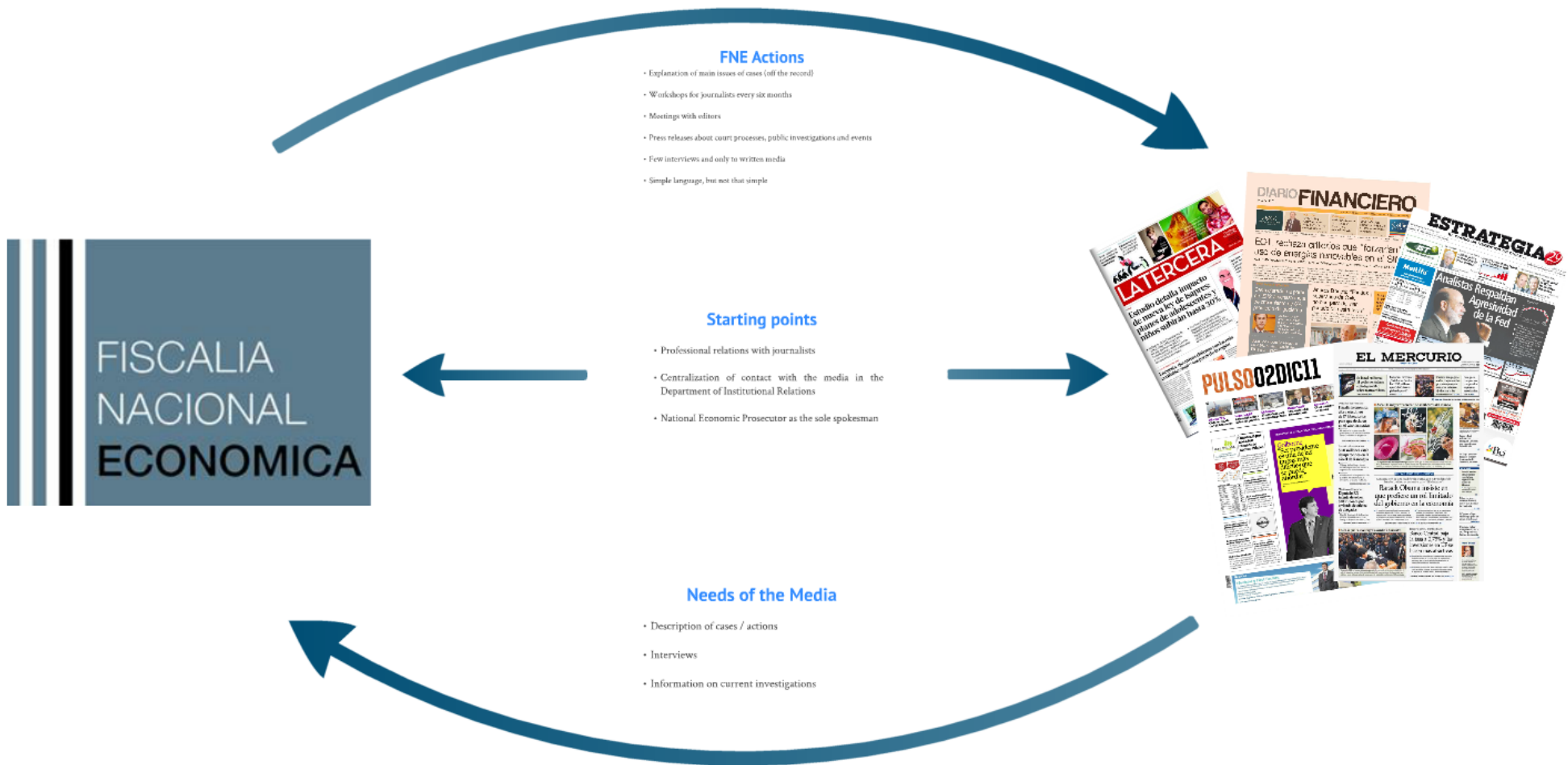
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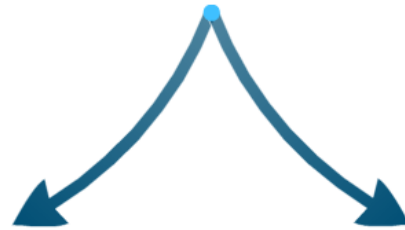
Needs of the Media

- Description of cases / actions
 - Interviews
 - Information on current investigations
- 

Interactions between FNE and Media



Outcomes



An Example

Pharmacies

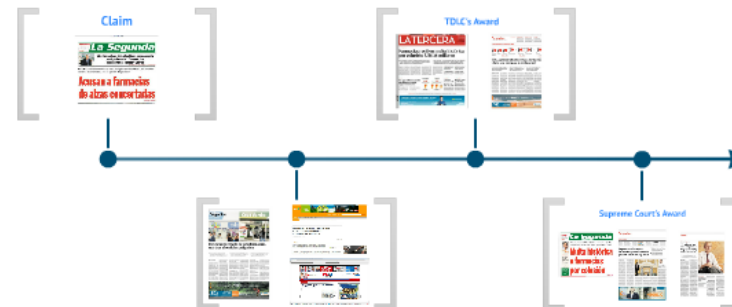
- High profile case: the pharmacies fixed prices of certain medicines
- US\$40 millions of fines



An Example

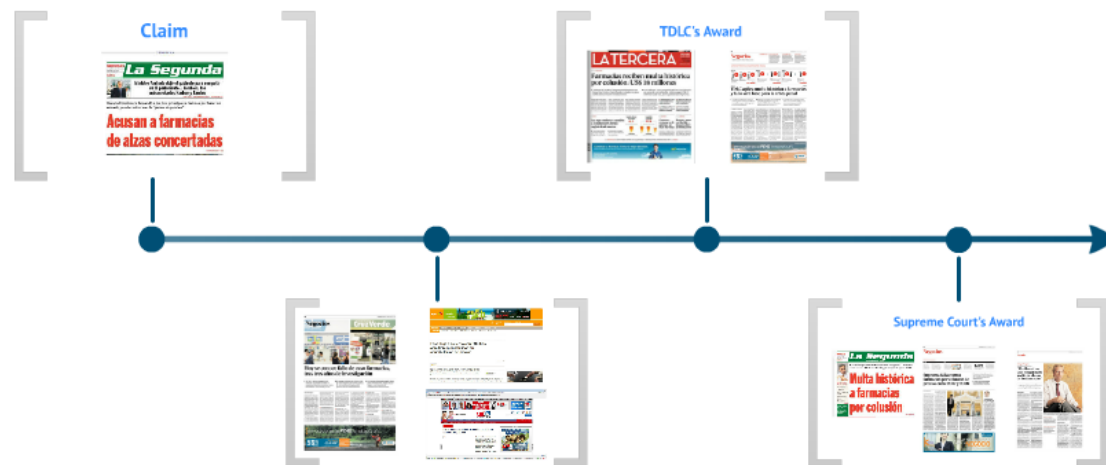
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Claim

Página 11

MIÉRCOLES
en la edición de hoy
domingo de fútbol
Más de 1000 páginas
\$350

La Segunda



Ministro Andrade dejó el gabinete para competir en el parlamento... También, los subsecretarios Harboe y Barrios

POLÍTICA EN PRIMERAS DE Y SIGUIENTES

Fiscalía Económica demandó a las tres principales cadenas por hacer un acuerdo para terminar con la "guerra de precios"

Acusan a farmacias de alzas concertadas

ESPECIAL DE Y 20



Supreme Court's Award

MARTES
Cada semana con
la segunda de la
semana por \$350

La Segunda

www.lasegunda.com

Cadenas seguirán batalla judicial en la Suprema... Párrafos destacados del fallo revelan "lógica" aplicada por el TDLC

Multa histórica a farmacias por colusión

MINISTRO MANALCIE reconoce "lobby muy fuerte de la industria pro tabaco"

CORDO CYRIL Oportunismo a favor van por prescripción en abril

Página 10

52 | **Negocios**

Negocios

2.500

Suprema falla contra farmacias por colusión de precios entre 2007 y 2008

El máximo tribunal condena a Salsobrand y Cruz Verde a pagar US\$ 20 millones cada una a beneficio fiscal.

El sereno afirmó que estudia acciones legales para exigir compensación a empresas.

Resolución con el sello de la Tercera Sala

El fallo, emitido por el presidente de la Sala Tercera, el ministro Manuel Alcide, es el primero en el que se condena a pagar una multa histórica a una empresa por colusión de precios. El fallo, emitido por el presidente de la Sala Tercera, el ministro Manuel Alcide, es el primero en el que se condena a pagar una multa histórica a una empresa por colusión de precios.

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e empresas

Crecer es más fácil cuando tu NEGOCIO está mejor conectado

Conectarse a la red de negocios de e empresas.

52 | **Negocios**

Negocios

Enrique Vergara
El fiscal nacional economista

"El tribunal no dejó ningún cabo suelto en el caso de las farmacias"

Asegura que el fallo es contundente y que va a marcar un precedente para otros procesos ligados a la libre competencia.



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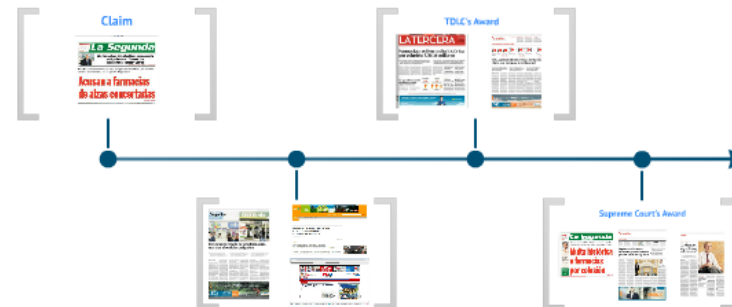
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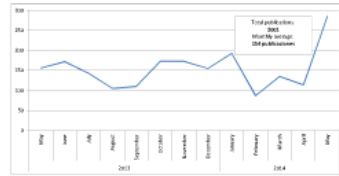
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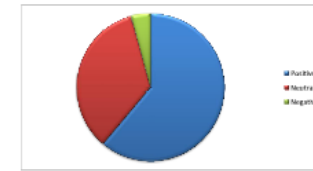
Number of monthly publications
May 2013 - May 2014



May	160
Jun	170
Jul	160
Aug	140
Sep	170
Oct	160
Nov	170
Dec	160
Jan	170
Feb	140
Mar	160
Apr	160
May	190

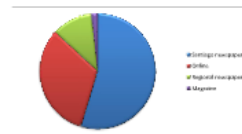
Statistics

Qualitative Analysis
[% May 2013 - May 2014]



Positive	Neutral	Negative	Total
1223	1075	103	2401
69.4%	34.2%	6.4%	100%

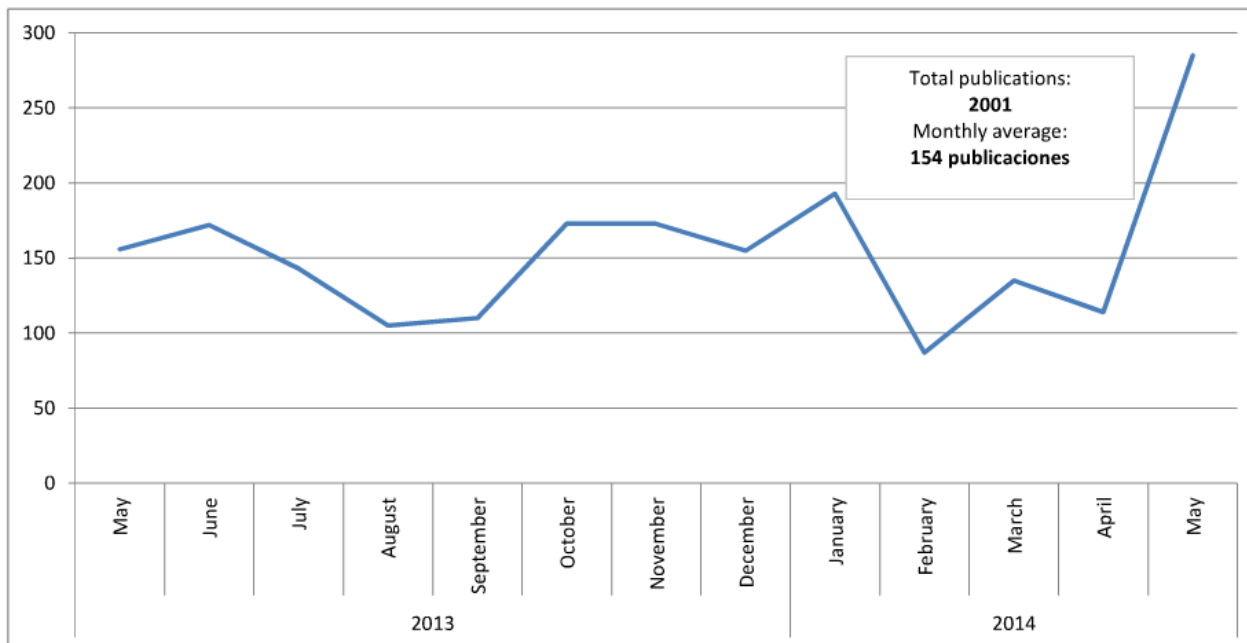
By type of media
PL, May 2013 - May 2014



Digital newspaper	TV	Digital magazine	Magazine
1546	1032	354	269
64.3%	32.2%	13.4%	9.9%
2401			

Number of monthly publications

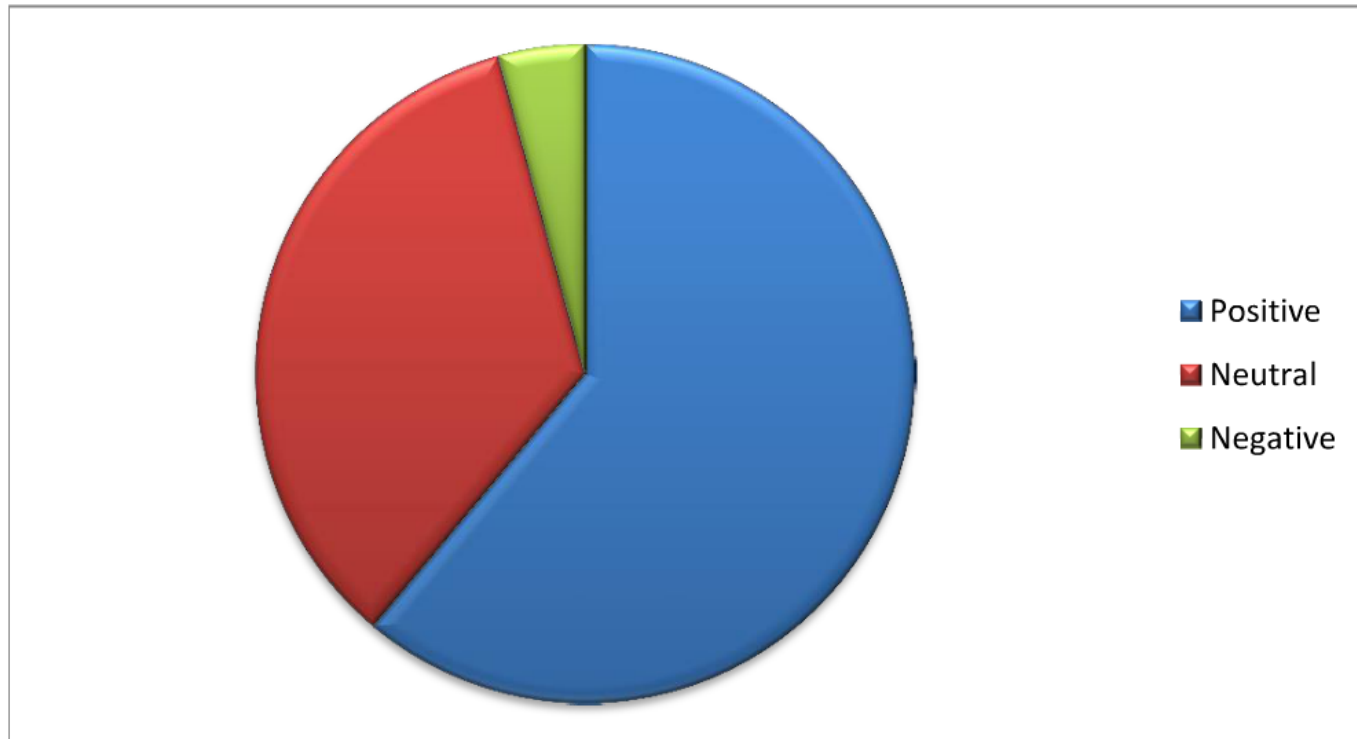
May 2013 - may 2014



2013	May	156
	June	172
	July	143
	August	105
	September	110
	October	173
	November	173
	December	155
2014	January	193
	February	87
	March	135
	April	114
	May	285

Qualitative Analysis

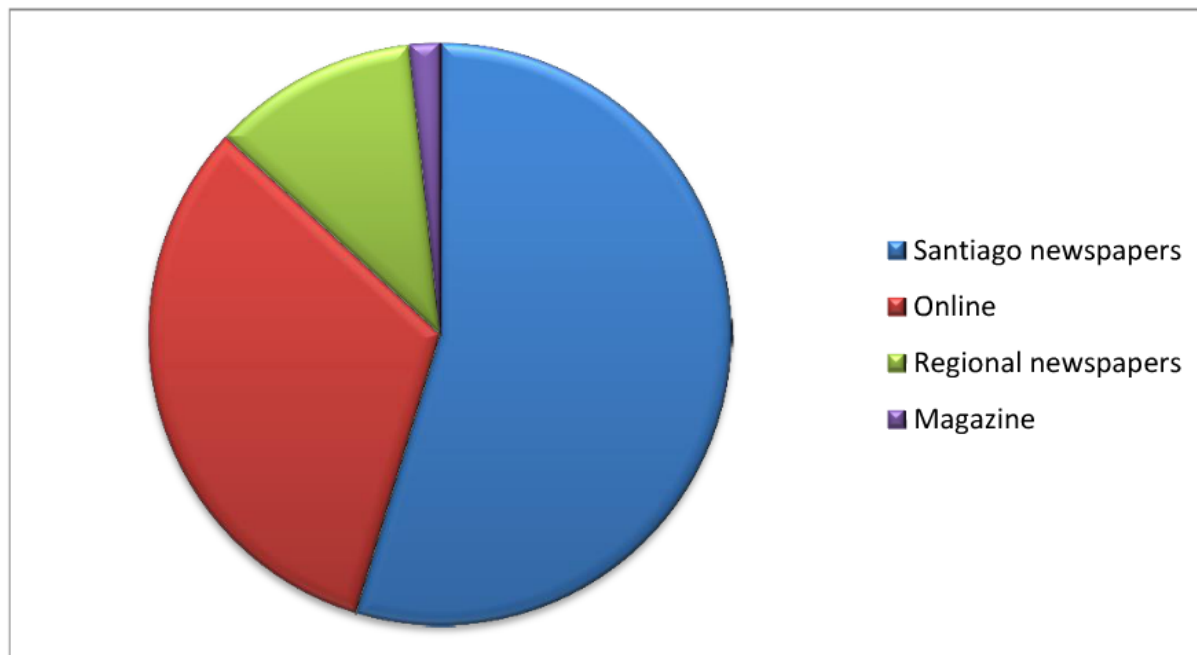
[% may 2013 - may 2014]



		%
Positive	1223	61,1
Neutral	693	34,6
Negative	85	4,3
Total	2001	100

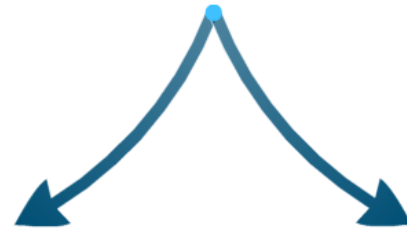
By type of media

(%, may 2013 - may 2014)



		%
Santiago newspapers	1094	54,7
Online	644	32,2
Regional newspapers	229	11,4
Magazine	34	1,7
	2001	100

Outcomes



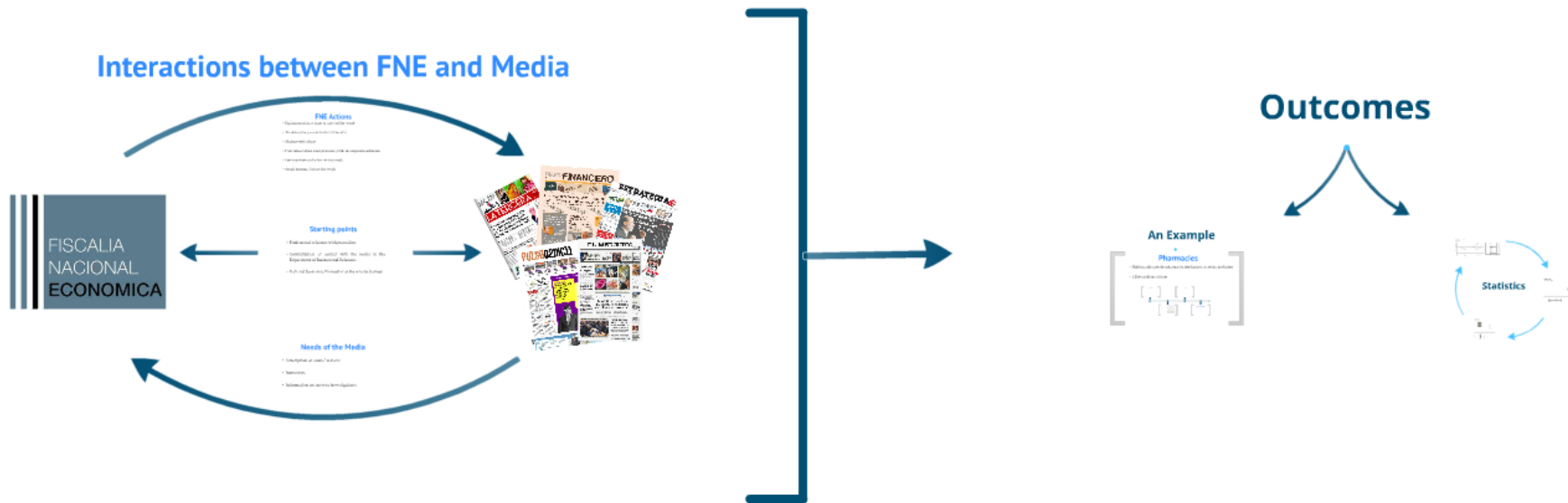
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FNE's interactions with the media



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Advocacy

Competition Day

- Communicational highlighted day of the year
- National Prosecutor's public account
- Introduce of authorities and experts
- Launch of a compilation book with all the initial resolutions and filed investigations of the past year



Encouraging to Research

- Annual Contest of free competition thesis for students
- History book: "Historia de la libre competencia en Chile 1959 - 2010"



Guidelines



Talks

- Universities
- Investigation centres
- Trade Associations
- International forums

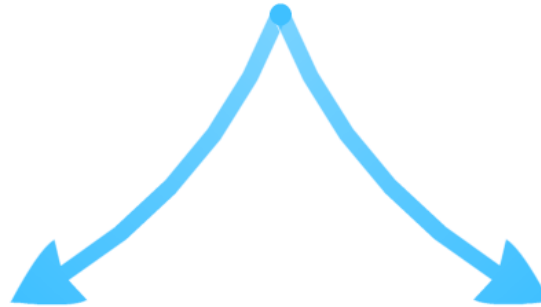


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FNE elaborates documents on matters where a point of view is needed. These guidelines are not mandatory nor binding, but they definitely have an impact



Deloitte Perception Survey 2012

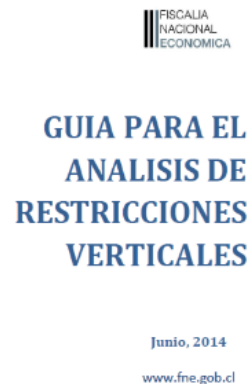
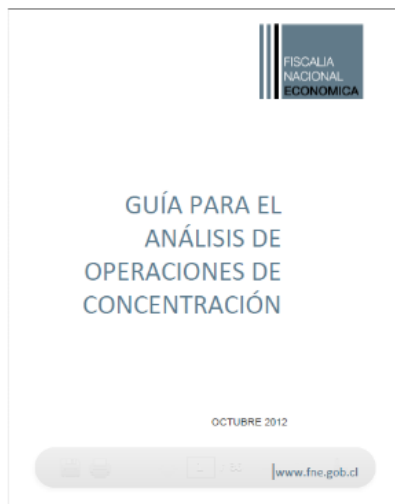
Is the Guideline for Horizontal Merger a help on merger control?



No 9
Yes 91



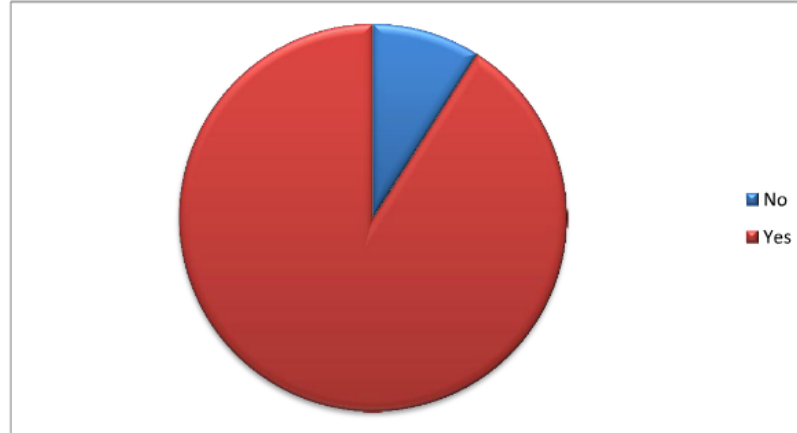
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No	9
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Lunes, 07 de Julio de 2014

COMPRAR: Facebook Tweet

20:08:24

FNE Revela Efectos de Colusión en Licitaciones Públicas

El fiscal nacional económico, Felipe Irrázabal, expuso que las formas más comunes de coludirse en las subastas públicas son no presentándose al proceso, retirando la oferta, dando propuestas destinadas al fracaso o una postura simulada, realizando intercambio de información sensible entre competidores antes de concretar sus planteamientos, rotando la posición del ganador, y haciendo uso fraudulento de la subcontratación.



El fiscal nacional económico, Felipe Irrázabal, dio a conocer que tiene en mira las prácticas relativas en que los participantes de un proceso licitatorio público se pongan de acuerdo para sustraer la libre competencia, lo que provoca la pérdida de independencia de las posturas en que se fundamenta la sujeta respectiva, en un mercado que llega aproximadamente a operaciones por US\$10.000 millones por año en Chile.

Con esto hacen que el elemento definitorio de los resultados de la licitación sea la voluntad colectiva de los participantes, en lugar del proceso autónomo e individual de la competencia en la sujeta, incluso este merced al titular de la PNE, en un seminario denominado "Contratación Administrativa y Compras Públicas" organizado por la Universidad Católica.

Estas prácticas son efectuadas con el objeto de generar artificialmente un excedente o sobreprecio que luego es repartido entre los miembros del acuerdo mediante algún mecanismo, o para hacer fracasar la sujeta pública.

De hecho, según el fiscal (Irrázabal), entre las consecuencias de estos actos contra la libre competencia, están que los productos son más caros, hay menor calidad y más baja calidad de éstos y disminuye la innovación.

¿Cómo se comete colusión en las licitaciones públicas? De acuerdo al jefe de la Fiscalía, las formas son no presentándose al proceso, retirando la oferta, dando propuestas destinadas al fracaso o una postura simulada, realizando intercambio de información sensible entre competidores antes de concretar sus planteamientos, rotando la posición del ganador, y haciendo uso fraudulento de la subcontratación.

En embargo, advirtió que la colusión en procesos de licitación pública no sólo es sancionada por la normativa de libre competencia, sino que también por medio del Código Penal, que sanciona con cárcel y multas.

Colusión en Procesos de Licitación | FISCALÍA NACIONAL ECONOMICA



Felipe Irrázabal Philippi
Fiscal Nacional Económico

Pontificia Universidad Católica de Chile, 22 de Mayo de 2014
Seminario Contratación Administrativa y Compras Públicas

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Diffusion of the National Prosecutor's Agenda

- Open agenda on the web of Prosecutor's activities
- Transparency of the National Prosecutor's activities

Fiscal		Subfiscal	
Agenda Fiscal			
26.06.2014 al 03.07.2014	Actividad Actividad Internacional	Asistentes	Tema Expositor en Seminario sobre "Enforcement" de la Universidad de Oxford, en un panel con jefes de agencias de Estados Unidos, Inglaterra, Israel y Alemania. Además asiste al lanzamiento del informe sobre Multas, preparado por el Centro de Libre Competencia de University College London, Inglaterra.
24.06.2014 16:00	Actividad Reunión	Asistentes Sujeiva	Tema Coordinación semanal.
24.06.2014 12:30	Actividad Alegato Tribunal Constitucional	Asistentes	Tema Audencia Admisibilidad. Requerimiento de la FNE contra Servicios Pullman Bus Costa Central S.A. y Otros, Rol T/C 2658-14-INA, Rol H. TDLC N° C 224-11.
23.06.2014 09:30	Actividad Reunión interna	Asistentes Jefaturas: División Abusos Unilaterales, División Litigios, Unidad Anti-Carteles, División Fumones y Estudios	Tema Coordinación semanal
19.06.2014 12:00	Actividad Actividad Externa	Asistentes	Tema Charra en Facultad de Ciencias Físicas y Matemáticas, Departamento de Ingeniería Industrial, Universidad de Chile - Tema: "El Desafío de la Certeza en Libre Competencia"

Authorities

- Meetings with others authorities of the Central Government and other regulators
- For example: Ministry of Economy, Health, Energy, Transport, Telecommunications, among others

SIAC: Integral System for Citizens' Assistance

- Citizens can file a report using the web page

Contáctenos SIAC

Tipo de Requerimiento (*) :
Seleccione tipo requerimiento Sugerencia Reclamo contra la FNE Felicitación Consulta

Nombre completo (*) :
Ingrese su nombre

Edad (*) :
Seleccione rango de edad 15-29 30-49 50-69 70 y más

RUT :
Ingrese su RUT -

Teléfono :
Ingrese su teléfono

Dirección :
Ingrese Dirección

Email de contacto (*) :
Ingrese un email valido

País (*) :
Seleccione país

Región :
Seleccione Región

Tipo de usuario (*) :
Seleccione tipo de usuario

Genero (*) :
Seleccione genero Masculino Femenino

Tema (*) :
Seleccione Tema

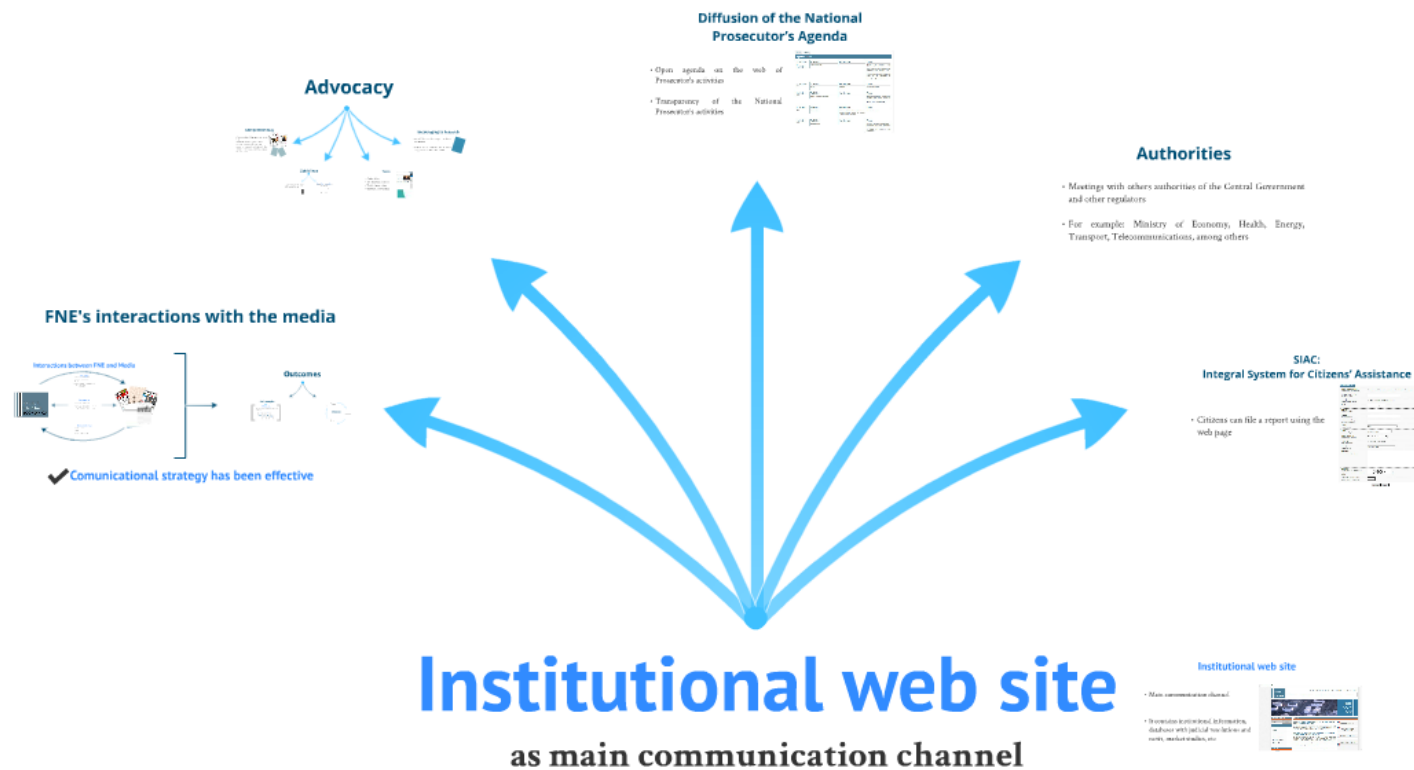
Mensaje (*) :
Escriba su mensaje aquí

Seguridad
Escriba el texto que aparece en la imagen, en el campo ubicado en el parte inferior

Verificación de imagen (*) :
no distingue MAYUSCminusc

CRGcs

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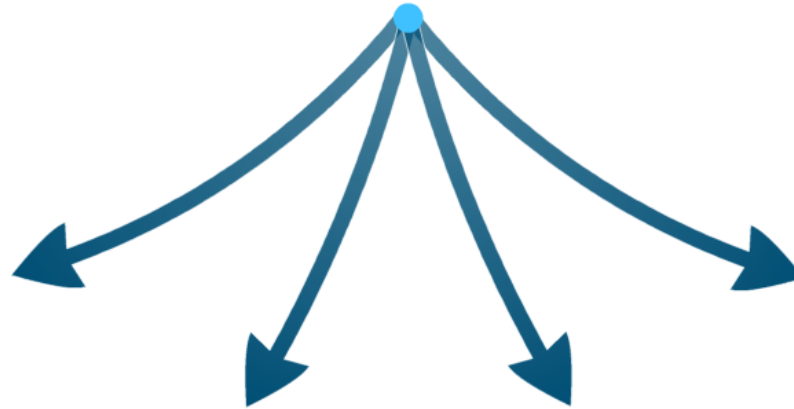
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