

**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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Round Table on “Strengthening private sector capacities for competition compliance”

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# Competition law compliance – today

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- 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!

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- 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



# Agency tools for private sector capacity enhancement

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## **Private sector outreach: select agency materials**

### **Australia**

1. Brochure *Cartels: What you need to know - a guide for business*, 6 August 2012 (<http://www.accc.gov.au/publications/cartels-what-you-need-to-know-a-guide-for-business>)
2. Compliance templates (<https://www.accc.gov.au/business/business-rights-protections/implementing-a-compliance-program>)

### **Brazil**

1. Comic Book: *Cartel da Limonada* – Brazilian Ministry of Justice ([http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/cartel\\_da\\_limonada.pdf](http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/cartel_da_limonada.pdf))
2. Poster: *Jogando Limpo* (in Portuguese) – Brazilian competition authorities (CADE, SDE) (<http://www.cade.gov.br/Default.aspx?b4879761b066ba7882cf68c693>)
3. Postcard: *Cartel é Crime* (in Portuguese) – Brazilian Ministry of Justice (SDE) ([http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/brazilpostal\\_mesa.pdf](http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/brazilpostal_mesa.pdf))  
([http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/brazilpostal\\_gas.pdf](http://www.internationalcompetitionnetwork.org/uploads/cartel%20wg/awareness/brazilpostal_gas.pdf))

# Next steps

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- 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

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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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