

CRCAL Presents: Second Training on Competition for Latin American Judges

*Alain De Remes (Banco
Interamericano de Desarrollo) &
Rodrigo Ríos (CRCAL)*



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Following the success of its first seminar in spring of this year, the Regional Competition Center for Latin America (CRCAL for its acronym in Spanish) held its second seminar on competition for Latin American Judges at George Washington University in Washington, D.C. On this occasion, 25 judges from 11 countries participated in the event. It is worth noting that this seminar was attended by 6 Supreme Court Judges (1 from Mexico, 2 from Chile, 1 from El Salvador, 1 from the Dominican Republic and 1 from Peru) who honored the CRCAL with its presence and shared their views on antitrust cases. As a remarkable milestone of this event, during the last day of the seminar a commitment to form the Iberoamerican Judges Association for Antitrust Matters was signed by all the attendees of the event.

Key figures from competition agencies and heads of international organizations dealing with antitrust matters recognized the relevance of conveying the benefits of competition to the Judiciary and the importance of building a bridge between competition agencies and judges. Edith Ramirez, Chairwoman of the US Federal Trade Commission; Eduardo Pérez Motta, President of the Mexican Federal Competition Commission and the CRCAL; Mario



Umaña Senior Integration and Trade Sector Specialist of the Interamerican Development Bank (IDB); and Maristella Aldana, Chief of Office of Institutional Integrity at the IDB started by giving the opening remarks of these four days of activities.

The seminar had a good mix of experienced antitrust from countries such as Mexico, Brazil and Chile, and young agencies from countries like the Dominican Republic, Honduras, Costa Rica and El Salvador, which benefited from the knowledge of the former, more experienced agencies. As such, it is worth noting that judges themselves were in charge of the lectures for their colleagues, since this was a seminar for judges given by judges. In particular, Judge Tomás Menchaca of Chile's Tribunal for Defense of Free Competition (TDLC by its acronym in Spanish) was in charge of presenting the basic principles of economic competition and a talk on economics of cartels. Also, the Honorable Judge Diane Wood from the United States Federal Court of Appeals from the 7th Circuit gave a remarkable lecture on the United States' perspective on why competition matters. Notwithstanding, Judge Mercedes Pedraz from the National Audience of Spain gave a presentation on the European perspective of the importance of competition, giving the participants a complete view on the subject. It should be highlighted that both Judge Mercedes Pedraz and Tomas Menchaca took part in all four days of activities in the seminar sharing their views with fellow colleagues.

Overall, the seminar's success relied on its comprehensive agenda, which included presentations on theoretical competition principles (and its application to cartels and unilateral conducts) with a seminal lecture on antitrust and mergers given by William Kovacic from George Washington University. The theoretical part on mergers was also

illustrated by a presentation from Leslie Overton, Deputy Assistant Attorney General for Civil Enforcement in the Antitrust Division of the United States Department of Justice (DOJ) on how this institution conducts investigations concerning mergers.



During the afternoon of the second day of activities, Judges had a chance to put in practice what was discussed theoretically by solving three hypothetical cases: one on cartels, one on mergers and one on unilateral conducts. The merger hypothetical case was presented as a mock trial, in which the attendees were able to appreciate the arguments of the prosecutor and defender involved in a case point of view. This case-by-case approach to antitrust subjects proved to serve as a clear example on how to operationalize competition goals through law enforcement.

The third day of activities was devoted to showcase the advances of competition enforcement activities in several Latin American jurisdictions with presentations of relevant cases by judges from the participating countries. As a whole, the seminar included lectures on competition cases, trainings with hypotheticals and a glance at the different ways of approaching competition cases in different jurisdictions.

The seminar for judges culminated with a decision from the participants to form the Iberoamerican Judges Association for Antitrust Matters. This represents a huge recognition by the Latin American Judiciary of the importance of competition in the region, specially taking into account that many jurisdictions have antitrust laws that have been enacted fairly recently. This organization pursues very similar goals as those of the CRCAL, who will serve as a support organization to implement and follow up with the Judge's association activities.¹

¹ The presentation, whole agenda, and further details of the event can be consulted by the general public at the CRCAL webpage, at the following link: <http://www.crcal.org/eventos-talleres/eventos/eventos-antiores/item/145-segundo-seminario-de-competencia-para-jueces-latinoamericanos-washington-dc>