



# ICN Cartel Workshop

2016 • Madrid, SPAIN

Novotel Madrid Center  
3 - 5 October, 2016

## Enhancing Cartel Enforcement

●●● Sunday, 2 October ●●●

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17.00 - 20.00h **Registration** *Novotel Madrid Center (Calle O'Donnell, 53)*

19.30 - 21.30h **Welcome Reception** *CNMC Headquarters (Calle Alcalá, 47)*  
Shuttle bus will leave from Hotel Novotel to CNMC at 19:00h.  
**PASSPORT / EU ID CARD WILL BE REQUIRED**

●●● Monday, 3 October ●●●

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08.00 - 09:25h **Registration** *Novotel Madrid Center*

09.30 - 10.00h **Opening Session** *[Convención Ballroom I, II & III]*

Speakers: **Dr. José María Marín Quemada.** President.  
National Authority for Markets and Competition, Spain

**ICN Cartel Working Group Subgroup 2 Co-Chairs:**

**Mr. Marcus Bezzi.** Executive General Manager, Competition. Enforcement.  
Australian Competition and Consumer Commission

**Dr. Vladimir Kachalin.** Assistant/Advisor to the Head of the Federal.  
Anti-Monopoly. Service of Russia

10.00 - 10.25h. **Coffee/Tea Break** *[Hall]*



10.30 - 12.00h **Plenary I: Investigative strategies and techniques**

*[Convención Ballroom I, II & III]*

- Moderator: **Mr. Eduardo Prieto Kessler.** Competition Director.  
National Authority for Markets and Competition, Spain
- Panellists: **Mr. Marcus Bezzi.** Executive General Manager, Competition.  
Enforcement. Australian Competition and Consumer Commission
- Ms. María Luisa Tierno Centella.** Deputy Head of Unit G2, Cartels.  
Directorate-General for Competition, European Commission
- Mr Hiroshi Yamada.** Deputy Secretary General for International Affairs.  
Japan Fair Trade Commission
- Mr. Ragnath Kesavan.** Commission Member.  
Malaysian Competition Commission
- Ms. Mbanangwa Naomi Moyo Fulaza.**  
Chief Investigator, Cartels and Restrictive Practices.  
Competition and Consumer Protection Authority, Zambia

12.00 - 13.25h **Lunch** *[Restaurant Lima]*

13.30 - 15.00h **Simultaneous Mini Plenary Sessions**

**Mini Plenary 1: Achieving an efficient and effective leniency programme**

*[Convención Ballroom II]*

- Moderator: **Ms. Isabel López Gálvez.** Head of Cartels and Leniency Unit.  
National Authority for Markets and Competition, Spain
- Panellists: **Mr. Subrata Bhattacharjee.** Partner.  
Borden Ladner Gervais LLP, Canada
- Mr. Gorka Navea Gomez.** Deputy Head of Unit, Cartels.  
Directorate-General for Competition, European Commission
- Ms. Akari Yamamoto.** Chief Investigator Leniency Programme.  
Japan Fair Trade Commission
- Ms. Stephanie Panayi.** Deputy Director, Legal and Enforcement.  
Competition Commission of Singapore

**Mini Plenary 2: Formal tools for detection of cartels, including the use of dawn raids, statutory powers, and covert investigation techniques (AGENCY ONLY SESSION)** *[Convención Ballroom III]*

- Moderator: **Ms. Eva Pelayo.** Head of Services Unit, Competition Directorate.  
National Authority for Markets and Competition, Spain
- Panellists: **Ms. Beatrix Krauskopf.** Team Leader Dawn Raids.  
Austrian Competition Authority
- Ms. Hila Cohen.** Lawyer. Israel Antitrust Authority
- Mr. Francisco R. Téllez.** General Director of the Anti-Cartel Division.  
Federal Economic Competition Commission of Mexico
- Ms. Jane Lin.** Director Enforcement  
Australian Competition and Consumer Commission

### Mini Plenary 3: Tools to fight bid-rigging cartels: public procurement screening and training programmes *[Convención Ballroom I]*

- Moderator: **Mr. John Kirkpatrick.** Senior Director Advocacy.  
United Kingdom Competition and Markets Authority
- Panellists: **Mr. Philip Monaghan.** Executive Director (General Counsel).  
Competition Commission Hong Kong
- Mr. Renato Ferrandi.** Senior Officer, International Affairs.  
Italian Competition Authority
- Mr. Yonghun Lim.** Deputy Director, Bid-Rigging Investigation Division.  
Korea Fair Trade Commission.
- Ms. Dina Lurje.** Council Member.  
Competition Council of the Republic of Lithuania

15.00 - 15.25h **Coffee/Tea Break** *[Hall]*

15.30 - 17.00h **Simultaneous Breakout Sessions**

#### Breakout Session 1: Leniency, leniency Plus and penalty Plus: recent experiences and lessons learned to create incentives for the complete “cleaning” of a company

*[París Meeting Room]*

Discussion leaders:

- Ms. Amanda Athay de Linhares Martins.** Chief of Staff.  
Administrative Council for Economic Defense, Brazil
- Ms. Anne Krenzer.** Leniency Officer.  
Autorité de la concurrence, France
- Mr. Gian Luca Zampa.** Partner.  
Freshfields Bruckhaus Deringer LLP, Italy
- Ms. Songrim Koo.** Senior Deputy Director.  
International Cartel Division, Korea Fair Trade Commission
- Ms. Kalina Tulley.** Assistant Chief, Chicago Office.  
United States Department of Justice

#### Breakout Session 2: Cartel leads/informants: experiences, challenges and difficulties (including challenges in obtaining reliable evidence) (AGENCY ONLY SESSION) *[Oslo Meeting Room]*

Discussion leaders:

- Ms. Frederike Finke.** International Competition Matters.  
Bundeskartellamt, Germany
- Mr. Ádám Remetei- Filep.** International Section.  
Hungarian Competition Authority
- Mr. Stijn van den Broek.** Head of Detection Unit.  
The Netherlands Authority for Consumers and Markets
- Mr. Khotso Modise.** Cartels Principal Investigator.  
Competition Commission of South Africa
- Ms. Emma Burnham.** Trial Attorney, Washington Criminal I Section.  
United States Department of Justice



### Breakout Session 3: Challenges related to evidence gathering after dawn raids and other formal investigation tools.

*[Madrid & Viena Meeting Rooms]*

Discussion leaders:

**Ms. Jane Lin.** Director Enforcement NSW and Serious Cartels.  
Australian Competition and Consumer Commission.

**Mr. Gideon Mokaya.** Manager, Enforcement and Compliance.  
Competition Authority of Kenya

**Mr. Pedro Bom.** General Director of Investigation.  
Portuguese Competition Authority.

**Mr. Mfundo Ngobese.** Cartels Division Principal.  
Competition Commission of South Africa

**Mr. Peter Alstergren.** Senior Advisor, Cartels and Mergers Unit.  
Swedish Competition Authority

### Breakout Session 4: The use of indirect evidence in cartel cases, including in leniency cases: how to make stronger cases.

*[Caracas, La Paz & Bahía Meeting Rooms]*

Discussion leaders:

**Mr. Jindrich Kloub.** Case Handler, Cartels Division.  
Directorate-General for Competition, European Commission

**Ms. Laura A. Méndez.** Deputy General Director.  
Federal Economic Competition Commission of Mexico

**Ms. Hsuan Hung.** Section Chief.  
Fair Trade Commission, Taiwan

**Ms. Li-Ya Wu.** Officer.  
Fair Trade Commission, Taiwan

**Mr. Tai S. Milder.** Trial Attorney, Antitrust  
Division. United States Department of Justice.

### Breakout Session 5: Making a leniency application: triggering factors and strategy (NGA Panel). *[Londres Meeting Room]*

Discussion leaders:

**Mr. Luke Woodward.** Partner.  
Gilbert + Tobin, Australia

**Mr. Marc Hansen.** Partner.  
Latham & Watkins, Belgium.

**Mr. José Alexandre Buaiz Neto.** Partner.  
Pinheiro Neto Advogados, Brazil

**Mr. Felipe Serrano Pinilla.** Former Head Antitrust Advisor and Deputy  
Superintendent. Superintendencia de Industria y Comercio, Colombia

**Mr. Yoshihiro Sakano.** Attorney-at-Law.  
City-Yuwa Partners, Japan.

●●● Tuesday, 4 October ●●●

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09.30 - 10.30h **Plenary II: Public and private enforcement - challenges**

*[Convención Ballroom I, II & III]*

Moderator: **Mr. Antonio Capobianco.** Senior Competition Expert.  
Organisation for Economic Co-operation and Development

Panellists: **Mr. David Viros.** Chief of Staff.  
Autorité de la concurrence, France

**Mr. Jeremy J. Caslyn.** Partner.  
Cleary Gottlieb Steen & Hamilton LLP, United States

**Dr. Katharina Krauß.** Head of Special Unit for Combating Cartels.  
Bundeskartellamt, Germany

**Mrs. Maria João Melicias.** Member of the Board.  
Portuguese Competition Authority

10.30 - 10.55h **Coffee/Tea Break** *[Hall]*

11.00 - 12.30h **Simultaneous “Mini” Plenary Sessions**

**Mini Plenary 4: Public enforcement - settlement.**

*[Convención Ballroom III]*

Moderator: **Mr. Justin Oliver.** Partner.  
Minter Ellison, Australia

Panellists: **Mr. Eric Van Ginderachter.** Director, Cartels.  
Directorate-General for Competition, European Commission.

**Mr. Pedro Bom.** General Director of Investigation.  
Portuguese Competition Authority

**Mr. Joaquín Hortalá.** Head of Legal Department.  
National Authority for Markets and Competition, Spain

**Mr. Kristian Hugmark.** Partner.  
Roschier, Sweden

## Mini Plenary 5: Extra-territorial antitrust enforcement – how and why? *[Convención Ballroom I]*

Moderator: **Mr. Michael Corrigan.** Partner.  
Clayton Utz, Australia

Panellists: **Mr. Marcus Bezzi.** Executive General Manager, Competition Enforcement.  
Australian Competition and Consumer Commission

**Ms. Amanda Athay de Linhares Martins.** Chief of Staff.  
Administrative Council for Economic Defense, Brazil

**Mr. Antonio Capobianco.** Senior Competition Expert. Organisation for  
Economic Co-operation and Development

**Mr. Christopher M. Ries.** Global Antitrust and Indirect Sales Counsel.  
Hewlett-Packard Enterprise, United States

## Mini Plenary 6: Private enforcement – developments and challenges.

*[Convención Ballroom II]*

Moderator: **Dr. Vladimir Kachalin.** Assistant/Advisor to the Head.  
Federal Anti-Monopoly Service of Russia.

Panellists: **Mr. Yoshihiro Sakano.** Attorney-At-Law.  
City-Yuwa Partners, Japan

**Ms. Anke Prompers.** Head of Litigation.  
The Netherlands Authority for Consumers and Markets

**Ms. Evelyne Ameye.** Founding Partner.  
Evelyne Ameye Legal Services, Turkey

**Ms. Sarretta McDonough.** Of Counsel.  
Gibson Dunn & Crutcher LLP, United States

12.30 - 13.55h **Lunch Break** *[Restaurant Lima]*

14.00 - 15.35h **Simultaneous Breakout Sessions**

### Breakout Session 6: Building an investigation unit (AGENCY ONLY SESSION) *[Viena & Madrid Meeting Rooms]*

Discussion leaders:

**Mr. Andrew D. Smyth.** Competition Law Officer.  
Competition Bureau, Canada.

**Mr. Jens Larsen Underbjerg.** Deputy Head of Division.  
Danish Competition and Consumer Authority.

**Mr. Tim Lear.** Executive Director Operations.  
Competition Commission Hong Kong.

**Mr. Michiel Denkers.** Director of Competition.  
The Netherlands Authority for Consumers and Markets

**Mr. Grant Chamberlain.** Team Leader, Cartel Investigations.  
New Zealand Commerce Commission

**Ms. Carmen Cerdá.** Deputy Head of Unit, Competition Directorate.  
National Authority for Markets and Competition, Spain



## Breakout Session 7: Achieving procedural fairness/due process in cartel investigations whilst maintaining efficiency and effectiveness

*[Caracas, La Paz & Bahía Meeting Rooms]*

Discussion leaders:

**Ms. Sofia Vasileiou.** Case Handler, Antitrust/Cartels.  
Directorate-General for Competition, European Commission.

**Ms. Anne-Sophie Delhaise.** Advisor for European Affairs.  
Autorité de la concurrence, France

**Mr. Atsushi Yamada.** Partner.  
Anderson Mori & Tomotsune, Japan

**Ms. Pia Ödqvist.** Senior Case Officer.  
Swedish Competition Authority

**Mr. Yüksel Kaya.** Advisor.  
ENRE, Energy, Competition and Regulation Consultancy, Turkey

## Breakout Session 8: Retos y problemas procedimentales en la realización de las inspecciones (en castellano) (SÓLO AGENCIAS)

*[Session in Spanish - Dawn raids: procedural challenges (agency only Session)] [París Meeting Room]*

Discussion leaders:

**Mr. Felipe García Pineda.** Head Advisor to the Superintendent.  
Superintendencia de Industria y Comercio, Colombia.

**Mrs. Geraldina Leiva Montoya.** Lawyer.  
Anticompetitive Practices, El Salvador Competition Superintendence.

**Mr. Alberto Ramos Diego.** Director, Cartel Division.  
Federal Economic Competition Commission of Mexico.

**Mr. Jordi Fornells.** Head of Unit, Competition Directorate.  
National Authority for Markets and Competition, Spain.

## Breakout Session 9: Relationships between agencies and their prosecutors (AGENCY ONLY SESSION)

*[Londres Meeting Room]*

Discussion leaders:

**Mr. Marcus Bezzi.** Executive General Manager, Competition Enforcement.  
Australian Competition and Consumer Commission

**Mr. Jim Marshall.** Deputy Chief Federal Prosecutor.  
Public Prosecution Service of Canada

**Mr. Leo Farmer.** Legal Counsel.  
New Zealand Commerce Commission.

**Ms. Maureen Banda.** Director Legal and Corporate Affairs.  
Competition and Consumer Protection Commission, Zambia



**Breakout Session 10: International coordination to increase the efficiency of multijurisdiction cartel investigations** *[Oslo Meeting Room]*

Discussion leaders:

**Ms. Anne Krenzer.** Leniency Officer.  
Autorité de la concurrence, France.

**Mr. Hiroshi Nakazato.** Director, Planning Office, Investigation Bureau.  
Japan Fair Trade Commission

**Mr. Antonio Capobianco.** Senior Competition Expert.  
Organisation for Economic Co-operation and Development

**Ms. Cindy Chang.** Senior Assistant Director (Legal & Enforcement).  
Competition Commission of Singapore

**Mr. Mehluli Nxumalo.** Cartels Investigator.  
Competition Commission of South Africa

15.30 - 15.55h **Coffee/Tea Break** *[Hall]*

16.00 - 17.30h **Plenary III: Sanctions and tools for deterrence** *[Convención Ballroom I, II & III]*

Moderator: **Ms. María Ortiz.** Member of the Council.  
National Authority for Markets and Competition, Spain

Panellists: **Mr. Diogo Thomson de Andrade.** Deputy Superintendent.  
Administrative Council for Economic Defense, Brazil

**Mr. Carlos Mena-Labarthe.** Chief Prosecutor.  
Federal Economic Competition Commission of Mexico

**Mr. Chris Fonteijn.** Chairman of the Board.  
The Netherlands Authority for Consumers and Markets

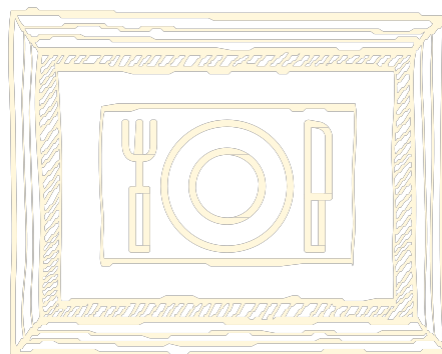
**Mr. Makgale Mohlala.** Cartels Division Manager.  
Competition Commission of South Africa

**Mr. Marvin Price.** Director of Criminal Enforcement.  
United States Department of Justice

20.30 - 23.00h **Social Event/Dinner - El Prado Museum**

*[Entrance gate: Los Jerónimos (Calle Ruiz de Alarcón, 23)]*

*Shuttle bus will leave from Hotel Novotel to Prado Museum at 20:00*







09.30 - 11.00h **Simultaneous Mini Plenary Sessions**

**Mini Plenary 7: Sanctions, remedies and damage redress.**

*[Convención Ballroom III]*

- Moderator: **Ms. Monique Van Oers.** Director, Legal Affairs.  
The Netherlands Authority for Consumers and Markets
- Panellists: **Ms. Anne-Sophie Delhaise.** Advisor for European Affairs.  
Autorité de la concurrence, France
- Mr. Luis García Santos Coy.** Partner.  
Creel, García-Cuéllar, Aiza y Enriquez, Mexico
- Ms. Stephanie Panayi.** Deputy Director.  
Legal and Enforcement Competition Commission of Singapore
- Dr. Javier García-Verdugo.** Chief Economist.  
National Authority for Markets and Competition, Spain.

**Mini Plenary 8: The intersection between cartel enforcement and the fight against corruption.** *[Convención Ballroom I]*

- Moderator: **Mr. Stéphane Hould.** Deputy Commissioner Cartels Directorate.  
Competition Bureau, Canada.
- Panellists: **Ms. Hila Cohen.** Lawyer.  
Israel Antitrust Authority.
- Mr. Carlos Mena-Labarthe.** Chief Prosecutor.  
Federal Economic Competition Commission of Mexico
- Mr. Makgale Mohlala.** Cartels Division Manager.  
Competition Commission of South Africa
- Mr. Devon Mahoney.** Supervisory Special Agent.  
United States Federal Bureau of Investigation

**Mini Plenary 9: Fine setting: considerations and methodologies.**

*[Convención Ballroom II]*

- Moderator: **Mr. Ross Zurrini.** Partner. Ashurst, Australia
- Panellists: **Mr. Daniel Andreoli.** Partner.  
TozziniFreire Advogados, Brazil
- Mr. Gerald Miersch.** Head of Unit, Cartels.  
Directorate-General for Competition, European Commission
- Mr. Takujiro Kono.** Senior Investigator.  
Japan Fair Trade Commission
- Mr. Terence Minishi.** Analyst, Enforcement and Compliance.  
Competition Authority of Kenya
- Mr. Baçak Tekcam.** Agency Enforcer.  
Turkish Competition Authority

11.00 - 11.25h **Coffee/Tea Break** *[Hall]*



11.30 - 13.00h **Simultaneous Breakout Sessions**

**Breakout Session 12: Compliance activities and priorities, including promoting compliance to prevent collusion.**

*[Caracas, La Paz & Bahía Meeting Rooms]*

Discussion leaders:

**Mr. Caio Mário da Silva Pereira Neto.** Partner.

Pereira Neto, MacedoAdvogados and FGV Law School, Brazil

**Mr. Kohei Yamamoto.** Deputy Director, Investigation Bureau. Japan Fair Trade Commission

**Dr. Luis Ortiz Blanco.** Partner.

Garrigues, Spain

**Ms. Lucília Falsarella-Pereira.** Assistant Director, Cartel Enforcement. United Kingdom Competition and Markets Authority

**Breakout Session 13: Innovative remedies** *[Madrid & Viena Meeting Rooms]*

Discussion leaders:

**Mr. Michael Corrigan.** Partner.

Clayton Utz, Australia

**Ms. Sharon Burnett.** Competition Law Officer, Cartels Directorate. Competition Bureau, Canada

**Mr. Iker Arriola.** Partner.

White & Case LLP, Mexico

**Mr. Michiel Denkers.** Director of Competition.

The Netherlands Authority for Consumers and Markets.

**Mr. Sergio Sinovas.** Deputy Head of Unit, Competition Directorate.

National Authority for Markets and Competition, Spain

**Breakout Session 14: Procedimiento y criterios para la fijación de las multas (en castellano)** *[Session in Spanish – Fine setting: criteria for calculation]* *[Londres Meeting Room]*

Discussion leaders:

**Mr. Felipe García.** Head Advisor to the Superintendent.

Superintendencia de Industria y Comercio, Colombia.

**Ms. Geraldina Leiva Montoya.** Lawyer, Anticompetitive Practices.

El Salvador Competition Superintendence.

**Mr. Alberto Ramos Diego.** Director, Cartel Division.

Federal Economic Competition Commission of Mexico

**Mr. Diego Castro-Villacañas.** Deputy Head of the Legal Service.

National Authority for Markets and Competition, Spain



## Breakout Session 15: Criminalisation of antitrust infringements in administrative jurisdictions: Yes or No? When and How?

*[París Meeting Room]*

Discussion leaders:

**Mr. David Viros.** Chief of Staff to the President.  
Autorité de la concurrence, France.

**Mr. Gian Luca Zampa.** Partner.  
Freshfields Bruckhaus Deringer LLP, Italy

**Ms. Laura A. Méndez.** Deputy Director General, Cartel Division.  
Federal Economic Competition Commission of Mexico

**Ms. Cani Fernández.** Partner.  
Cuatrecasas, Gonçalves Pereira, Spain.

**Mr. Stephen Blake.** Senior Director, Cartels and Criminal.  
United Kingdom Competition and Markets Authority

### 13.15 - 13.45h **Closing Remarks and Completion of Feedback Forms**

*[Convención Ballroom I, II & III]*

Speakers:

**Mr. Eduardo Prieto Kessler.** Competition Director.  
Spanish National Authority for Markets and Competition

**ICN Cartel Working Group Subgroup 2 Co-Chairs:**

**Mr. Marcus Bezzi.** Executive General Manager, Competition  
Enforcement. Australian Competition and Consumer Commission

**Dr. Vladimir Kachalin.** Assistant/Advisor to the Head of the Federal  
Anti-Monopoly. Service of Russia

13.45 - 15.00h **Lunch** *[Restaurant Lima]*

15.00h **Workshop concludes**





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International  
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MERCADOS Y LA COMPETENCIA