

Institutional Cooperation as Proactive Advocacy

Models from Brazil and Mexico

Denis Guimaraes
ICN (CADE) NGA

Scope of analysis & institutional framework

	BRAZIL	MEXICO
SCOPE OF ANALYSIS	DEE/CADE Advocacy Technical Notes (2020-2024)	2018-2022 COFECE-CONAMER Agmt.
LEGAL BASIS	Law n. 12.529/2011 (Competition Law)	LFCE (Comp. Law) & LGMR (Better Reg. Law); curr. LFCE (Amd. 2025) & Anti-Red Tape Law (2025)
COMPETITION AUTHORITY	CADE <ul style="list-style-type: none">• Merger reviews, Investigations & Advocacy (via DEE)	COFECE; currently CNA <ul style="list-style-type: none">• Merger reviews, Investigations & Advocacy
RELATED / OVERSIGHT BODY	SEAE (Ministry of Finance) <ul style="list-style-type: none">• Competition & Regulatory Advocacy	CONAMER; curr. Dig. Transf. Agency <ul style="list-style-type: none">• Reg. Oversight; curr. RIA, Simpl. & Digit.



COFECE-CONAMER Collaboration Agreement

Year	Draft Regulations Reviewed	Competition Risks Detected	Risk Rate	Source (<i>Cofece en números</i>)
2018	49	9	18%	2018 (p. 9)
2019	20	3	15%	2019 (p. 18)
2020	25	14	56%	2020 (p. 23)
2021	24	8	33%	2021 (p. 23)
2022	18	11	61%	2022 (p. 16). Agmt. up to April



DEE/CADE Technical Notes

Year	Draft Regulations Reviewed	Competition Risks Detected	Risk Rate	Origin of Request (Dominant)
2020	23	11	48%	Legislative (Pandemic)
2021	14	9	64%	Executive (Fuels & Health)
2022	12	9	75%	Legislative (Fuels/Telecom)
2023	5	3	60%	Legislative (Digital Mkts & IP)
2024	6	3	50%	Legislative (Antitrust & IP)

Question 1

Why do you believe institutional cooperation for proactive competition advocacy has been **particularly successful in Brazil and Mexico, considering the challenges faced by other agencies**, such as limited resources and the development of a competition culture?

Mexico

Maximization of resources via **institutional leverage** (systematic screening via the Agreement with the regulatory oversight body – ROB)

Brazil

Development of competition culture via **reputational proactivity** (high engagement with public stakeholders)



Question 2

What strategies would you recommend to other countries aiming to engage in similar advocacy efforts?

1. **Institutionalize the channel:** if possible, embed advocacy within **RIA** or other *ex ante* or *ex post* regulatory processes (Mexican lesson)

2. **Invest in technical utility:** build reputation to trigger a virtuous cycle of consultation, attracting voluntary requests (Brazilian lesson)

3. **Leverage strategic communication:** translate technical findings into public narratives to build broad coalitions (media & society) – see **ICN Report *Explaining The Benefits...***



Discussion

Question to NGAs:

1. How do you assess the success stories mentioned by Portugal, Spain, Canada, Georgia and COMESA and what do you think contributed to it and what worked well?

Questions to both NCAs and NGAs:

1. How can different actors effectively cooperate in advocacy? **ACT
TRANSPARENTLY**
2. What are the key success factors? **BUILD CREDIBILITY**
3. What recommendations can be drawn from these experiences?
COMMUNICATE STRATEGICALLY



Thank You