



SNAPSHOTS OF COMPETITION ENFORCEMENT FROM BRAZIL

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Supercade faces New competition challenges

LATIN LAWYER
THE BUSINESS LAW RESOURCE FOR LATIN AMERICA

EXI

DIÁRIO COMÉRCIO, INDÚSTRIA & SERVIÇOS

ECONOMIA

Nº EDIÇÃO: 742 | 2011, o ano que não acabou | 22.DEZ.11 - 19:11 | Atualizado em

owers
Dinheiro

Os desafios do Supercade

Órgão de defesa da concorrência terá mais poderes e promete aprovar fusões e aquisições em um prazo máximo de 21 meses.

'NOVO CADE' ENTRA EM VIGOR NESTA TERÇA, MAS AINDA HÁ DÚVIDAS

complicou

em supermercado, terá de
enviar uma carta

ition

man

At the end of May, Brazil's merger control regime underwent its most drastic overhaul in a generation. The changes, brought about through revisions to the country's antitrust law, create a regime in which merging companies

after the companies closed a deal and began integrating, a relatively lenient approach to merger review. But now, the agency will face a ticking clock – and pressure from the business community – when deciding whether a deal could harm competition.

For years, Brazilian antitrust enforcers and lawyers have been pushing for legal changes that would streamline enforcement and modernise the merger review process. Those changes

Six months later...

CADFE iudae

The Economist

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09/11/2011 às 0h00

Defesa da concorrência impulsiona o crescimento

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04/06/2013 às 00h00 3

Estruturação do Cadef mostra-se bem sucedida

usão e



Focus on:

Coherence

Efficiency

Effectiveness

Cohherence

Judgement

ADMINISTRATIVE TRIBUNAL

GENERAL SUPERINTENDENCE

Merger
review

Anticompetitive
conduct

NEW
CADE

Legal Certainty

Guidelines

Efficiency

Merger review

Pre-merger review system

Old CADE:

No incentives

Difficult remedies

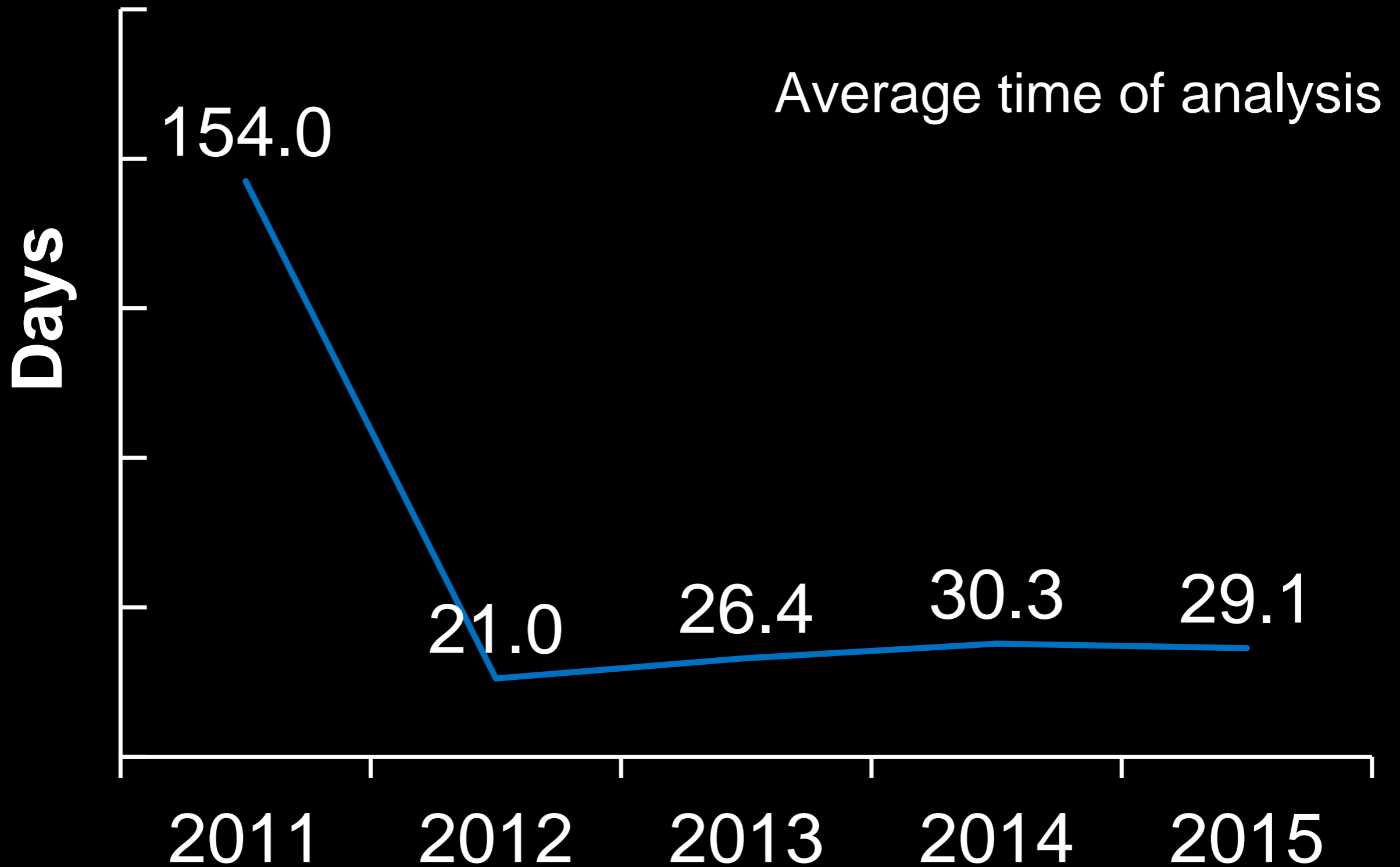
Misplaced liability

Time efficiency:

Pre-submission phase

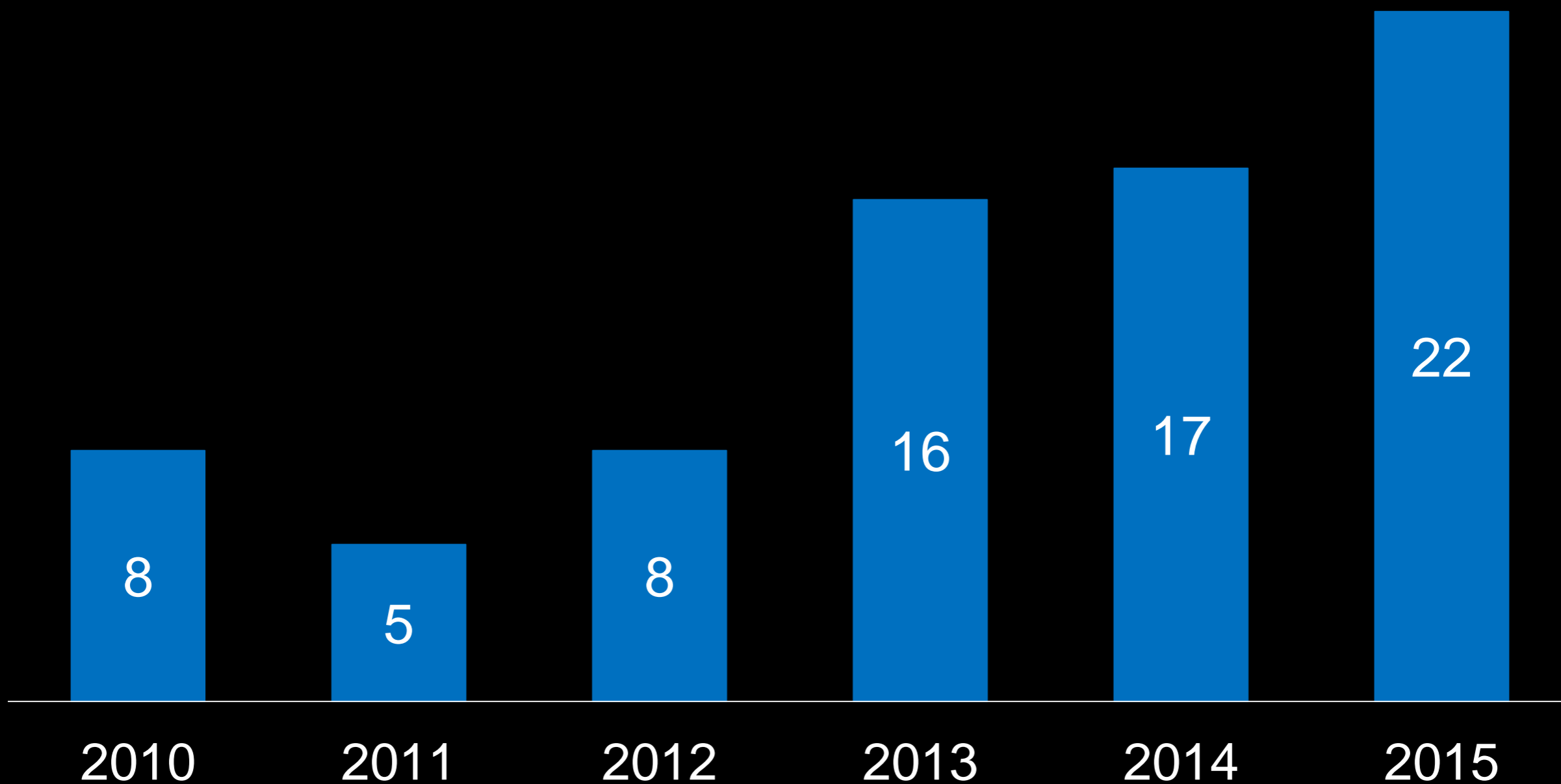
Screening

Sector specific analysis

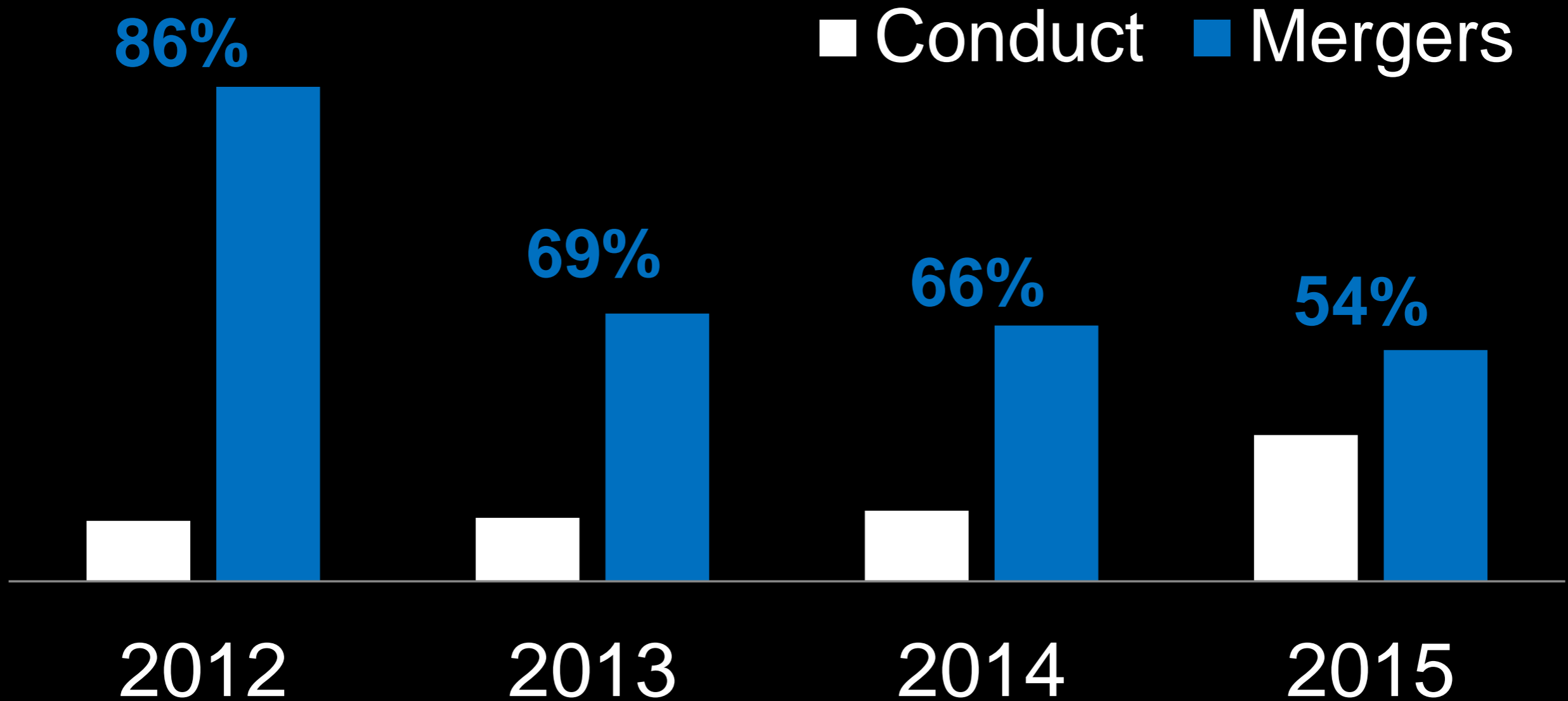


Effectiveness

Number of cartels judged



Types of proceedings judged



Enhanced cartel enforcement:

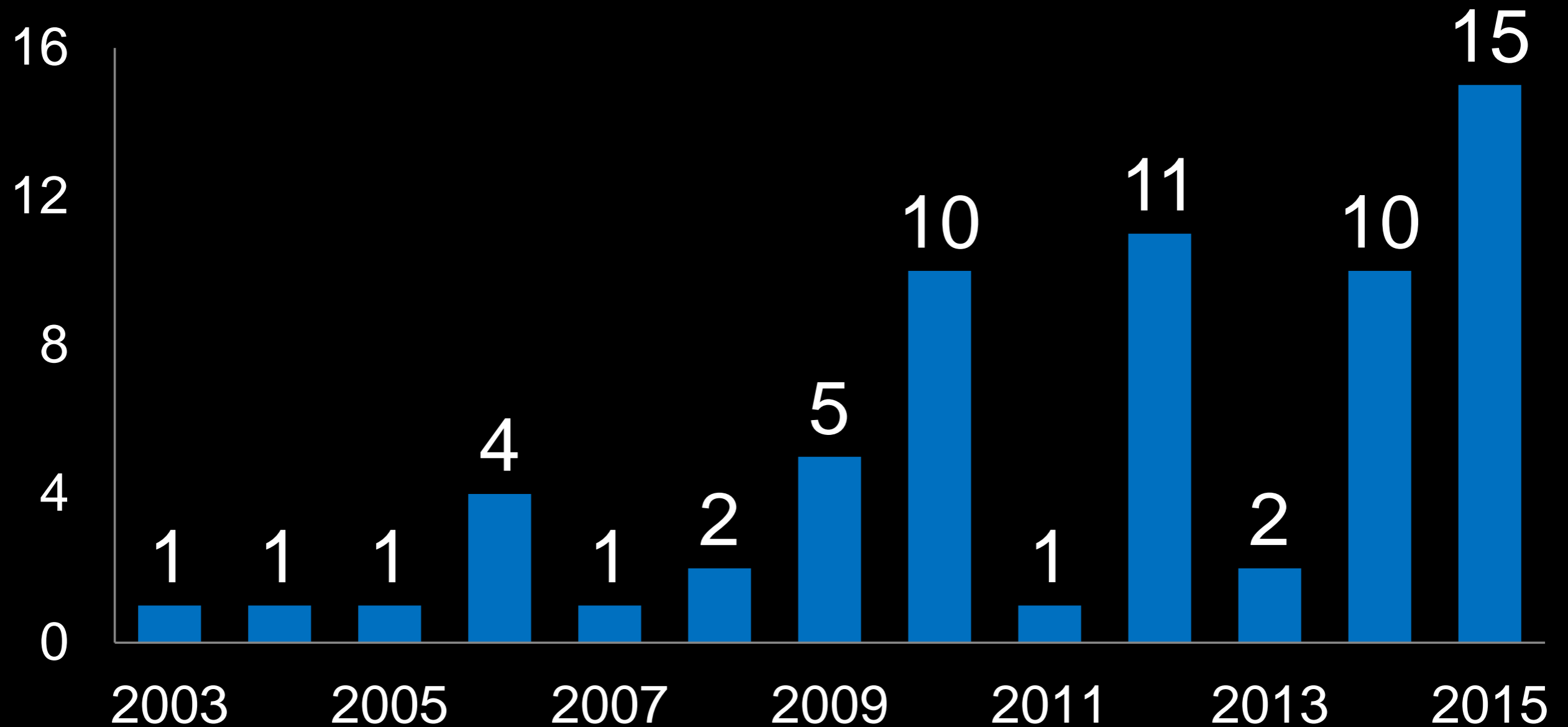
New leniency and
settlement regulations

Ex officio investigations

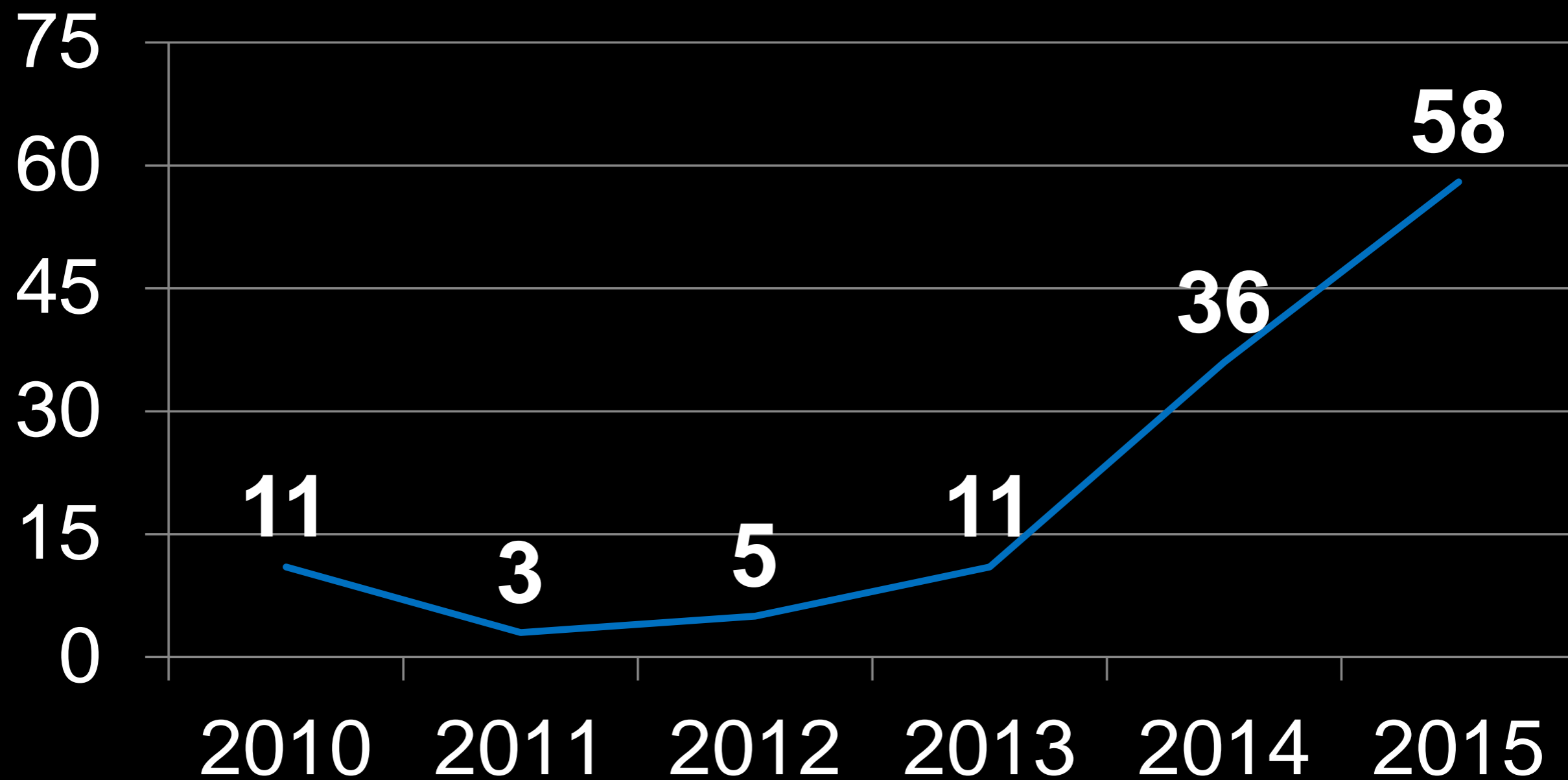
New international
cartel strategy

New leniency and settlement regulations

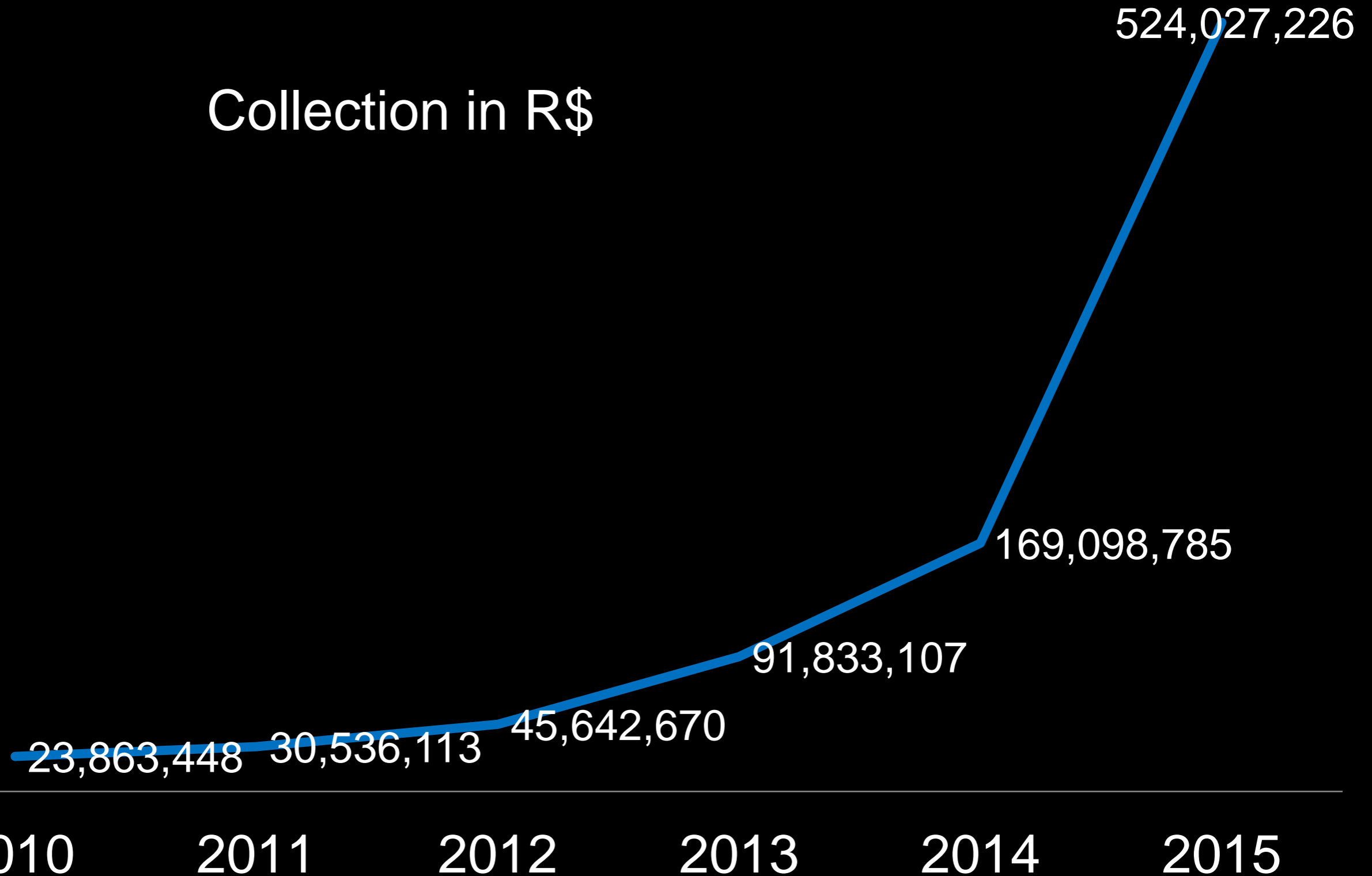
Leniency agreements



Number of settlements



Collection in R\$



Ex officio investigations

New international cartel strategy

Prosecute?

- 1) Proof
- 2) Direct exports
- 3) Indirect exports
- 4) National cartels

Compliance guidelines



Thank you.