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GOBIERNO DE CHILE

**Why inter-agency  
cooperation matters.  
The Chilean experience**

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# Cooperation – what have we gained

- 1) Cooperation for Capacity building and Legal framework “tailoring”.
- 2) Cooperation and Information exchanges in enforcement actions
- 3) Chile´s Momentum regarding competition enforcement

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# 1) Capacity Building

A. Importance of “international fora”: OECD, ICN, UNCTAD

Analysis and implementation of “best practices”

OUR FOCUS: Foster strong enforcement institutions -  
high level of technical analysis

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B. Support from foreign authorities:

First Cooperation Agreement: FNE and the Competition  
Bureau of Canada

CANADA, US: Trade partners

BRASIL, MEXICO

## 2) Enforcement:

- A. Specific contacts: similar investigations, same firms  
Brasil, Argentina, United States
- B. Competition authorities must give priority to  
conduct that has national or internal effects
- C. Differences between legal frameworks determine the  
scope of cooperation

### 3) Chile's momentum

A.- First “Cartel Settlement” (march, 2009):

Retail drugstore chain recognized participation in cartel behaviour and agreed to cooperate in an ongoing procedure before the TDLC. The TDLC approved the agreement and the Supreme Court will review the approval.

B. Congress passed new Reform of DL 211 (Competition Statute). Reform was presented to Congress in 2006.

### 3) Chile's momentum

New reform:

a. Powers of enforcement of the FNE: to conduct dawn raids, wire tapping (requires TDLC's and judicial authorization)

b. Immunity and reduction of fines - Leniency

c. More expedite and efficient procedures before the TDLC

\* Presidential announcement (May 2009): Criminal sanctions for cartel activity



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