Plenary Session II: Ex Officio Detection, Complaints, Informants and other Detection Methods

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Enhancing Cartel Detection

*If an agency does not have sufficient capacity or means to detect cartels, its immunity/leniency program is likely to be ineffective.*

ICN Anti-Cartel Enforcement Manual
Cartel Detection Methods

Investigations triggered by…

• Reporting
  – Complaints, Whistleblowers
  – Immunity/Leniency Applications

• Greater public awareness
  – Bid-rigging outreach
  – Speeches, public appearances, media releases

• Partnerships
  – International cooperation
  – Domestic cooperation

• Competitive intelligence
  – Research
  – Media
  – Information sharing within the agency
Cartel Detection

- Reactive
  - Complaints
  - Whistleblowers
  - Immunity/Leniency Applications
- Predictable Results
- “Late” detection

- Proactive
  - Outreach
  - Cooperation and Partnerships
  - Competitive Intelligence
- More Complex Programs
- “Early” Detection
Complaints, Informants and Whistleblowers

• **Complaint Handling**
  – Instills public confidence
  – Requires reliable information management systems
  – Beneficial for officer development

• **Informants**
  – Usually have immunity/leniency
  – Reliability is important
  – Confidentiality is important, but not absolute

• **Whistleblowers**
  – Usually are “insiders”
  – Relationship between officer and whistleblower is critical
Competitive Intelligence

• Develop “eyes and ears”
  – Tracking the “usual suspects”
  – Data mining (complaints, media, foreign cases)
  – Sharing information within the agency
  – Economic studies

• Using competitive intelligence for cartel detection and deterrence
  – Industry surveys
  – Drop-in visits
  – Proactive leniency

• Reinforces the benefits of immunity/leniency programs
Experience in Canada

A combination of reactive and proactive methods to detect cartels enhances the overall effectiveness of our cartel enforcement program