**BUILDING CAPACITIES IN COMPETITION ISSUES FOR LATIN AMERICAN JUDGES**

**Overview:**

In the last twenty years, most Latin American countries created competition agencies with the aim of improving the functioning of markets. Yet most of the decisions taken by competition authorities are appealed before the courts and in some countries courts make the judgements in the first place. Since very few Latin American judges have been trained in competition principles and in the assessment of circumstantial evidence and theories, monopolistic interests tend to prevail in judicial rulings. Creating a bridge of understanding between competition regulators and judicial authorities (which are the authority of last resort in competition cases) is a key factor to improve the overall competition policy in the region.

**Outcomes:**

A transnational project that will train Latin American judges belonging to counties located in the Pacific Alliance +2, in the economic principles of competition. This training is essential for judges to deliver sound rulings in this area. A public policy that fosters competition is incomplete if one of these three factors is not working properly: 1) sound capacities of competition regulators; 2) awareness of the civil society of the benefits of competition; and 3) trained judges in competition issues that will lead to fair and robust judicial rulings. Most important, these factors must be tackled simultaneously rather than sequentially.

These training sessions will have an impact on the existing competition in the markets, and subsequently in the consumer welfare in the region, by means of judicial rulings based on sound economic and legal competition principles.

**Objectives:**

It will be down to the implementer to decide what activities have most impact concerning capacity building. But the projects must:

1. Help Latin American countries to train their judges in the competition principles most commonly used by competition agencies.
2. Draw on UK and EU experiences in the use of common law to demonstrate to Latin American judges the importance of drawing on circumstantial evidence to prove anti-competitive behaviour.
3. Draw on examples of best international practices used in the EU and the region to deliver sound judicial rulings on competition cases.
4. Educate judges on the difference between arguments based on competition principles and distortive arguments based on social and non-competition principles.
5. Provide confidence to the judges in the region to be fearless when facing a complex competition case by helping them build a regional network of pro-competition “champions”. Solving competition cases requires a substantive approach rather than the procedural onemost commonly used in Latin American countries.
6. Persuade Latin American judges that their actions are central to punish and deter anti-competitive behaviour and to protect consumers.
7. Create awareness among Latin American judges that they play a fundamental role in the implementation of a sound competition policy.
8. Create bridges of understanding between regulators and judicial authorities on competition issues.

**Activities could include:**

1. Lectures from experts from the Office of Fair Trading (or the new regulator from October 2013, the Competition and Markets Authority) in competition issues that help judges to understand what aspects they should analyse and consider when evaluating competition cases.
2. Capacity-building workshops where judges from the European Union can talk to other judges in Latin America about how they approach competition cases.
3. Workshops using hypothetical cases where Latin American judges have to solve competition cases using competition principles. These workshops might include mock-trials where the competences of the judges will be tested in real situations
4. Creation of a multi-country network of judges to aid information exchange concerning competition cases.

**Eligible countries:**

The training will be concentrated on the Pacific Alliance (Chile, Colombia, Peru and Mexico) +2 (Costa Rica and Panama).

In addition, if funds suffice or if matching funds can be found from elsewhere, the project would encompass El Salvador, Honduras and Nicaragua, as well as other countries in the region.

**Timings**

The projects will need to start by September 2013 and finish by March 2014 at the latest.

**Budget**

Up to £ 75,000