



**Asia-Pacific
Economic Cooperation**

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Agenda Item: 15.3

Compliance As a Method of Encouraging and Deterring Anticompetitive Practices

Purpose: Information

Submitted by: Peru



**Competition Policy and Law Group Meeting
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Compliance as a method of encouraging and deterring anticompetitive practices

Technical Secretariat
Defense of Free Competition Commission - PERU

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INSTITUTO NACIONAL
DE DEFENSA DE LA
COMPETENCIA Y DE LA
PROTECCIÓN DE LA
PROPIEDAD INTELECTUAL



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1. Definition

“Compliance refers to the efforts businesses make to prevent infringements of competition laws. A compliance program is a formal tool or tools that businesses employ to achieve compliance”.



ICN Anti-cartel Enforcement Manual, 2012

2. Objective

Competition law helps businesses to provide these benefits by deterring them from engaging in anticompetitive agreements or conduct.



3. Importance

- Financial penalties
- Possible criminal convictions
- Loss of reputation
- Business ban

4. Benefits

- Employees being able to recognize the potential signs that another business might be infringing competition law.
- Reputation advantages by an effective culture of competition law compliance as an essential part of an ethical business culture



5. Designing a Compliance Program

A person in a dark suit and blue patterned tie is shown from the chest up, holding a black marker. They are drawing white checkmarks on a list of three square boxes. The background is a blurred blue and white.

Static compliance program describing all risks of breaching competition law.

Tailored to the specific enterprise

Demonstrating commitment to compliance



6. Some examples

- Publishing a brief [note](#)

The screenshot shows the Indecopi website interface. On the left, there is a navigation menu with categories: "Qué es", "Legislación", "Servicios", "Procedimientos", "Preguntas Frecuentes", and "Notas sobre Inicio de Procedimiento". The "Notas sobre Inicio de Procedimiento" category is highlighted. To the right of the menu is a list of notes under the heading "Notas sobre Inicio de Procedimiento". The notes include:

- Nota sobre Resolución 024-2015-ST-CLC-INDECOPI** (15 de diciembre de 2015): Se inicia procedimiento sancionador sobre concertación de precios contra 2 empresas dedicadas a la comercialización de papel higiénico y otros productos de papel tisú y 17 personas naturales.
- Nota sobre Resolución 014-2015-ST-CLC-INDECOPI** (18 de julio de 2015): Se inicia procedimiento sancionador sobre concertación de precios contra cinco empresas comercializadoras de gas licuado de petróleo y gases similares naturales.
- Nota sobre Resolución 022-2015-ST-CLC-INDECOPI** (12 de diciembre de 2015): Se inicia procedimiento sancionador sobre concertación de precios entre dos empresas de transporte de pasajeros de Huaraz, Ancash.
- Nota sobre Resolución 017-2015-ST-CLC-INDECOPI** (1 de diciembre de 2015): Se inicia procedimiento sancionador sobre conductas anticompetitivas a siete cadenas de botas y zapatillas.

- **Milk Case**

- To prepare a document to explain to its associates the conducts sanctioned by the Peruvian competition law.
- To prepare a presentation in its local to explain the conducts sanctioned by the Peruvian competition law.



- **Publishing Advocacies**

