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**Benchmarking as a key activity for
businesses: when may it start harming
competition instead of enhancing it?**

Proponent: Ana Bátia Glenk

Nov. 07, 2019

9am to 10:30am / Room A

“What a business needs most for its decisions — especially its strategic ones — are data about what goes on outside it. Only outside a business are there results, opportunities and threats.”
— Peter Drucker

“All successful companies are constantly benchmarking their competition. They have to know what they have to match up with day-in and day-out if their company is going to be successful.”
— James Dunn

Panel description: Benchmarking activities tend to be pro-competitive because they increase market transparency, eliminate asymmetric information and encourage efficiencies, which can benefit consumers. Players often refrain from adopting benchmarking activities, or limit them as much as possible, in view of the lack of clarity about the full extent of their legality under Law No. 12,529/2011. This panel aims to discuss when benchmarking activities can actually raise antitrust concerns, reducing the grey zone related to this topic.

Participants of the Panel

Moderator: Ana Bátia Glenk



- Ms. Glenk, from Machado Meyer Advogados, provides legal assistance to national and international clients in relation to antitrust and competition issues in Brazil, including compliance programs and risk assessment of commercial practices, such as benchmarking activities.
- Ms. Glenk was recently recognized by Who's Who Legal: Competition – Future Leaders 2018 and 2019 as a “pragmatic and technically brilliant” lawyer who receives wide-ranging endorsements for her “deep expert knowledge”, “very reasonable approach, clear guidance, and good results for her clients”.
- Ms. Glenk graduated from the Pontifícia Universidade Católica de São Paulo, Brazil (Bachelor of Laws, 2006), from Universidade de São Paulo, Brazil (Bachelor degree in Economics, 2010) and from the University of Chicago Law School, in the United States (LL.M., 2014).
- Ms. Glenk has international experience and worked as an associate at Freshfields Bruckhaus Deringer LLP, Brussels, Belgium (2014-2015).



Panelist: Lucas Freire Silva

- Mr. Silva is the current Coordinator-General of CGAA8 of CADE's Superintendence-General, responsible for the instruction of administrative proceedings that investigate antitrust violations, in particular cartels.
- Prior to joining CADE, in 2013, Mr. Silva was Expert on Public Policies and Governmental Management at the Ministry of Labor (06/2010 – 07/2012), as well as Analyst of the Accounts Court of the State of Minas Gerais (01/2008 - 06/2010).
- Mr. Silva graduated from the Universidade Federal de Minas Gerais (Bachelor of Laws, 2007), from the Universidade de Brasília – UNB (Masters degree in Economics) and from the Barcelona School of Economics (Master's degree in Data Science).

Panelist: Benjamin Sirota



- Mr. Sirota is an experienced litigator who handles white-collar criminal matters, regulatory enforcement and internal investigations, with a particular focus on global competition issues. Mr. Sirota also has extensive experience litigating disputes touching the financial industry, including those involving claims of price fixing, fraud and market manipulation.
- Prior to joining Kobre & Kim, Mr. Sirota was a prosecutor with the U.S. Department of Justice (DOJ) Antitrust Division, where he oversaw high-profile, cross-border criminal antitrust investigations as well as civil merger and conduct matters. In this capacity, Mr. Sirota worked with a number of competition enforcers and financial regulators, both in the U.S. and abroad.
- Mr. Sirota began his legal career at Debevoise & Plimpton and also served as a Special Assistant District Attorney with the Kings County District Attorney's Office.
- Mr. Sirota graduated from Princeton University in 2000 and from the University of Chicago Law School in 2005. He is a frequent commentator on antitrust issues.

Panelist: Marcio de Oliveira Junior



- Mr. Oliveira Junior is Senior Consultant at Charles River Associates in Brazil, Professor of Statistics and Economics at the Public Administration Masters course at Instituto Brasiliense de Direito Público (IDP) and Senate Consultant.
- Mr. Oliveira Junior was a Commissioner (January 2014 to January 2017) and Deputy Chairman (May 2016 to January 2017) of the Administrative Council for Economic Defense (CADE).
- Mr. Oliveira Junior was a Visiting Professor at the University College London (UCL). He worked as an Economist at the Instituto de Pesquisa Econômica Aplicada (IPEA), as a Senate Consultant from 2004 to 2014. He was also Professor of the Department of Economics at UFMG from 1995 to 1996 and at the Centro Universitário de Brasília (UniCEUB) from 2007 to 2015.
- Mr. Oliveira Junior is graduated in Economics and Bachelor of Laws and Doctorate in Economics.



Panelist: Frederico Carrilho Donas

- Mr. Donas is partner at Carrilho Donas Advocacia.
- Mr. Donas has fifteen years of experience providing legal assistance to national and international clients in relation to all aspects related to the Brazilian competition Law.
- Mr. Donas is certificated in Privacy Program Management (CIPM) by International Association of Privacy Professionals (IAPP).
- Mr. Donas graduated in from the Centro Universitário de Brasília – Uniceub (Bachelor of Laws) and from the King’s College, London, UK (Masters degree in Economics).