

BOS 13 “INNOVATIVE REMEDIES”

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TOPICS

I. SANCTIONING INDIVIDUALS

II. PUBLIC PROCUREMENT EXCLUSION

III. DISQUALIFICATION ORDERS

**IV. ADVERSE PUBLICITY & CORPORATE
PROBATION ORDERS**

V. BALANCE AND LESSONS

I. SANCTIONING INDIVIDUALS

- Is your agency experiencing or implementing changes in its approach to sanctioning individuals?
- What unique or innovative remedies does your agency employ, or challenges does your agency face, with respect to individuals?

II. PUBLIC PROCUREMENT EXCLUSION

- Does your agency exclude corporations or individuals found guilty of cartel offences from public procurement processes?
- How does your antitrust regime intersect with the public procurement one?

III. DISQUALIFICATION ORDER

- Does your jurisdiction employ disqualification orders?
- Should barring an executive from a management role in a corporation for a fixed term be considered a form of punishment, or a means of protecting the public?

IV. ADVERSE PUBLICITY & CORPORATE PROBATION ORDERS

- Can adverse publicity orders serve a useful purpose?
- What are the limits and disadvantages, if any, of corporate probation orders?

IV. BALANCE AND LESSONS

- In what circumstances is it appropriate and wise to opt for a more innovative remedy?
- What is the “right” balance between traditional remedies and more innovative approaches?
- What can we learn from failed innovative approaches?