

CURRICULUM VITAE

LAÉRCIO NILTON FARINA

EDUCATION

- LL.B. degree obtained from the Faculty of Law of the University of São Paulo in 1975;
- Postgraduate in Legal Procedure by the same Faculty, earning the credits in 1980, with complementary studies on Civil Law and Labor Law.

WORK EXPERIENCE AND TEACHING ACTIVITIES

- **Attorney at Law** based in the judicial district of São Paulo since 1975, practicing, mainly, in the Administrative Council for Economic Defense – CADE, and further bodies of the Brazilian Competition Defense System – SBDC, since 1987.
- **Partner** of L. Farina Attorneys at Law;
- **Professor of Labor Law at the College of Business of the Pontifical Catholic University of São Paulo** (1977-1978);
- **Member of the Graduate Committee of the Faculty of Law of the University of São Paulo**, as students' representative (1978-1980);
- **Professor at the Business School of the Armando Álvares Penteado Foundation**, Commercial Law (DIA) Chair Holder (1978-1987);
- **Substitute Member of the Board of Auditors of Fepasa – Ferrovia Paulista S.A.** (Defunct railway company, owned by the State of São Paulo) (1981-1985);
- **Member of the Board of Auditors of Banespa – Distribuidora de Títulos e Valores Mobiliários Ltda.** (security distribution company and subsidiary of the defunct Banco do Estado de São Paulo S.A. “Banespa” , owned by the State of São

Paulo) (1981-1985);

- **Vice-President of the Governing Board of IBRAC – Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade** (1994-1999);
- **Director of Legal Studies of IBRAC – Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade** (1999-2005);
- **Legal Director of the Brazil-Australia Chamber of Commerce** (2000-2001);
- **President of the Brazil-Australia Chamber of Commerce** (2001-2003);
- **Member of the Governing Board of IBRAC – Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade** (2006-2009);
- **Member of the Committee on Bar Examination of the Brazilian Bar Association - São Paulo Section**, responsible for administering the bar examination to candidates seeking admission to the Bar ;
- **Coordinator of the Monthly Round Table on Competition Law**, promoted by the Department of Economic Law of the Faculty of Law of the University of São Paulo.
- **Director of ABC - Australian Business Centre**, organization whose aim is to promote Australian business interests in Brazil.
- **Guest Professor of MBA courses in FIA – Institute of Management Foundation of University of São Paulo.**
- **Member of the Legal Council of SindusconSP – Union of the Civil Construction Industry of the State of São Paulo.**
- **Member of IASP – São Paulo Institute of Lawyers.**
- **Member of the Governing Board of IBRAC – Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade** (2020-2021).
- **Member of the Competition Committee of FIESP - Federation of Industries of the State of São Paulo** (2020).

COURSES AND MAIN LECTURES GIVEN

- **Labor Law from the enterprise's point of view** – course delivered to graduate students at the Business School of the Armando Álvares Penteado Foundation (1980);
- **Microenterprises** – lecture delivered to undergraduate students at the Business

School of the Armando Álvares Penteado Foundation (1985);

- **Abuse of economic power** – lecture delivered to graduate students of the School of Economics, Business and Accounting of the University of São Paulo, promoted by the Institute of Economic Research Foundation – FIPE (1985);
- **Discussant in a lecture delivered by Dr. Esperidião Amin**, then-Governor of the State of Santa Catarina, at the Armando Álvares Penteado Foundation, on the role of the State in economic activity;
- **The organization of the Administrative Council for Economic Defense – CADE** – lecture delivered to graduate students at the School of Economics, Business and Accounting of the University of São Paulo, promoted by the Institute of Economic Research Foundation – FIPE (1986);
- **Basic Accounting for executives and main indicatives of the economic and financial analysis** – course’s instructor (1986);
- **Formation and constitution of Companies** - lecture delivered by invitation of Suporte Consultoria e Treinamento Ltda., in event organized by this company (1986);
- **Contractual problems derived from “Plano Cruzado”** - lecture delivered to the attorneys of the São Paulo State Highways Department (DER/SP) (1987);
- **Notions of Corporate Structure** - lecture delivered in a specialization course promoted by Companhia Energética de São Paulo – CESP (Energy company owned by the State of São Paulo) (1988);
- **The new Microenterprise’s Statute** - a series of courses, sponsored by the Microenterprises’ Association of São Paulo (1989);
- **Seminar: economic concentration and CADE Resolution no. 1 (05/21/1992)** – promoted by the Brazilian Institute of Studies on Competition and Consumption – IBRAC – mediator (1992);
- **The administrative procedure of CADE** - lecture delivered at the seminar Civil Construction: Defense of Competition and Repression of the abuse of economic Power, promoted by SindusconSP – Union of the Civil Construction Industry of the State of São Paulo (1994);
- **The current position of CADE** – lecture delivered to the members of the Dutch-Brazilian Chamber of Commerce in meeting held at the Gazeta Mercantil Convention Center (1995);
- **The concept of relevant market** – lecture delivered at the I International Seminar on the Defense of Competition, promoted by the Brazilian Institute of Studies on

Competition and Consumption – IBRAC (1995);

- **The administrative procedure of CADE – on the nature of the act** – lecture delivered at the II International Seminar on the Defense of Competition, promoted by the Brazilian Institute of Studies on Competition and Consumption – IBRAC (1996);
- **Conference: commercial contracts’ negotiation** – promoted by Mission Informação e Conhecimento Profissional – orator (1997);
- **III International Seminar on the Defense of Competition (*Competition Policy and Economic Reform*)** – promoted by the Brazilian Institute of Studies on Competition and Consumption – IBRAC, the Administrative Council for Economic Defense – CADE, the Organisation for Economic Co-operation and Development – OECD and the World Bank, as member of the organizing committee (1997);
- **Supply Contracts – considerations on the scope of commercial defense considering the existence of national and foreign raw materials supplies (The Antidumping issue)** – lecture delivered at the Seminar on Business Contracts Negotiation, organized by Mission Desenvolvimento Profissional at the Ca’D’Oro Hotel, São Paulo (1997);
- **Seminar: The modern trends of the American Antitrust Law** – given by **Lawrence A. Sullivan** Full Professor of Public Law of the University of California and the Southwestern School of Law – promoted by the Faculty of Law of the University of São Paulo, acting as mediator (1998);
- **Guidelines of the government regulation of the high-tech industries / Competition issues in the software and telecommunications industry** – Discussant on this issues during the V International Seminar on Defense of the Competition, promoted by the Brazilian Institute of Studies on Competition and Consumption – IBRAC (1999);
- **Symposium: “dumping”, subsidies and safeguards** – promoted by the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC, acting as organizer and mediator (2000);
- **VI International Seminar on the Defense of Competition** – sponsored by the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC. Chairman of the panel “Cartels – Identification, Investigation and Punishment” (2000).
- **VI International Seminar on the Defense of Competition** – promoted by the Brazilian Institute of Studies of Competition, Consumer Affairs and International

Trade – IBRAC, the Administrative Council for Economic Defense – CADE, the Secretariat for Economic Law of the Ministry of Justice – SDE, and the Secretariat for Economic Monitoring of the Ministry of Finance – SEAE, acting as coordinator of the desk “Cartels – Identification, Investigation and Punishment) (2000);

- **VII International Seminar on the Defense of Competition** – promoted by the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC, the Administrative Council for Economic Defense – CADE, the Secretariat for Economic Law of the Ministry of Justice – SDE, and the Secretariat for Economic Monitoring of the Ministry of Finance – SEAE, acting as coordinator of “Abuse of Economic Power – The compared experience: prevention, repression and administrative structure” (2001);
- **CADE: The evolution of the attributions of Administrative Departments** – lecture delivered at the International Seminar “Defense of the free Competition”, promoted by the Federation of Industries of the State of São Paulo – FIESP (2002);
- **IX International Seminar on the Defense of Competition** – promoted by the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC. Chairman of the panel “Competition in Latin America – audits, challenges and trends” (2003);
- **Course of Competition Law: conducts’ control, structures’ control and competition in regulated markets** – coordinator of the course promoted by the São Paulo Lawyers Association – AASP. Delivered a lecture about “Conduct’s Control” (2004);
- **V Scientific Initiation Meeting** – promoted by the Law School of the Mackenzie Presbyterian University. Expositor on the round-table about Antitrust Law (2004);
- **Mackenzie Symposium of Antitrust Law** – lecture given about *anticompetitive practices* (2006);
- **Judiciary role on the Defense of Competition** – executive organizer and coordinator of the event, held by the Federal Judges Association – AJUFE, the Federal Prosecution Service – MPF and the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC (2006);
- **Economic Law and Industrial Property: Limits on the protection of industrial design rights and patents** – lecture delivered at the Paulista Association of Intellectual Property – ASPI (2007);
- **1st Meeting of Manufacturers and Distributors of the Independent Auto Parts**

- Aftermarket in Brazil** – lecture delivered about the anticompetitive practice denunciation submitted to the Secretariat for Economic Law of the Ministry of Justice – SDE, by the National Auto Parts Manufacturers Association – ANFAPE (2007);
- **6th Seminar of Consumer Affairs IBRAC and EAESP/FGV** - lecture about portability on the private health and telecommunications markets (2009);
 - **The Portability of Private Health Plans: effects on competition, consumer welfare and operators' viability** – collaboration on the organization of the event held at the São Paulo School of Business Administration of the Getúlio Vargas Foundation – EAESP/FGV (2009);
 - **Study Group on Competition Law of FIESP/CIESP** – lecture about Competition Law and Consumer Protection (2009);
 - **Industrial Property and Defense of Competition** – lecture delivered at the Brazilian Association of Generic Medicines Industries – Pró-Genéricos (2009);
 - **15th International Seminar on the Defense of Competition** – promoted by the Brazilian Institute of Studies of Competition, Consumer Affairs and International Trade – IBRAC. Chairman of the workshop about Leniency and Cease and Desist Agreement for cartel cases (“TCC”) (2009);
 - **The New Law of CADE** – organizer and speaker at the seminar (2012);
 - **50 years of CADE** – commentator in the event promoted by the Mackenzie Presbyterian University (2012);
 - **The New Law of CADE, its First Year** – organizer and chairman of the seminar (2013);

UNIVERSITY EXTENSION COURSES

- **Language and Mass Communication** - promoted by the School of Communication and Arts of the University of São Paulo (1970);
- **Contemporary Political Institutions** – sponsored by the Center of Development Studies (1973);
- **Problems of the Brazilian Development** – sponsored by the Center of Development Studies (1974);

- **Studies on the new Penal Code** – sponsored by the Department of Criminal Law of the Faculty of Law of the University of São Paulo (1974);
- **Seminar for the analysis of the new Joint-Stock Companies Statute** - sponsored by the São Paulo Lawyers' Association – AASP (1976);
- **Study Circle for elaboration of the Divorce Law** – promoted by the São Paulo Lawyers' Association – AASP (1977);
- **Organization of the Commercial Registries** – sponsored by the Commercial Registry of the State of São Paulo – JUCESP (1978);
- **Studies on “Financial report: some aspects related to the protection of minorities in joint-stock companies** - promoted by the São Paulo Lawyers' Association – AASP (1978);
- **Seminar on legislations reform for Limited Companies** - promoted by the CEBEFI (1981);
- **The new procedure of simple inventory** - promoted by the Lawyers' Association of Sao Paulo - AASP (1982);
- **Commercial Law** – sponsored by the São Paulo Lawyers' Association – AASP (1985);
- **Seminar: Lawyers, Citizenship and Justice** - promoted by the São Paulo Lawyers' Association – AASP (1985);
- **Seminar on the legal and economic aspects of the “Plano Cruzado”** – sponsored by the São Paulo Institute of Lawyers – IASP (1986);
- **Commercial Contracts** – promoted by the Lawyers' Association of Sao Paulo - AASP (1987);
- **Limited Companies** – promoted by the Lawyers' Association of Sao Paulo - AASP (1987);
- **Current Commercial Law** - promoted by the Lawyers' Association of Sao Paulo - AASP (1988);
- **Seminar: Limited vs. Joint-Stock** - promoted by the Lawyers' Association of Sao Paulo - AASP (1990);
- **Seminar: The choice for determining prices, market or government?** - promoted by the Roberto Simonsen Institute, by the Juridical Department of the Industrial Federation of Sao Paulo and by the International Academy of Law and Economy (1991);
- **Seminar: economic concentration and resolution number 1 of CADE** -

- Conselho Administrativo de Defesa Econômica** - promoted by Brazilian Institute of Studies on Competition and Consumption – IBRAC, acting as debate mediator (1992);
- **International Seminar: defense of free competition** - promoted by the Lawyers' Institute of Sao Paulo - IASP (1992);
 - **Seminar on Antitrust Law (Comparative Studies between the Brazilian and Japanese Law)** - promoted by the University of Sao Paulo and by the University of Keyo, Japan (1994);
 - **I International Seminar of Defense of Competition** – promoted by Brazilian Institute of Studies on Competition and Consumption – IBRAC (1994);
 - **International Seminar on the Juristical Aspects of MERCOSUL** - promoted by the Lawyers' Union of Brazil, Sao Paulo (1995);
 - **Symposium on restrictive commercial practices in Antitrust Legislation** - promoted by Brazilian Institute of Studies on Competition and Consumption – IBRAC (1995);
 - **II International Seminar on the Defense of Competition** - promoted by Brazilian Institute of Studies on Competition and Consumption – IBRAC (1996);
 - **Seminar: Arbitration, a non-juristical solution to controversies** - promoted by the Lawyers' Institute of Sao Paulo - IASP (1996);
 - **Seminar: actual tendencies on U.S. Antitrust Law** - taught by Professor Lawrence S. Sullivan from California University and Southwestern University School of Law - promoted by the Law School of University of Sao Paulo, acting as debate mediator (1998);
 - **International Seminar on Practices in Defense of Competition**- promoted by the Ministry of Justice, Ministry of International Relations and Ministry of Economy, Treasury, and Planning (1999);
 - **WTO and Agribusiness** - The Challenge of the Millennium Round - promoted by ABAG (Brazilian Association of Agribusiness) and Sao Paulo University (1999);
 - **IX International 'Pensa' Agribusiness Seminar** - Food Quality Chain Management - promoted by the Agribusiness Program of Universidade de Sao Paulo (Sao Paulo University) (1999);
 - **V International Seminar of Defense of Competition** - - promoted by Brazilian Institute of Studies on Competition and Consumption – IBRAC (1999);
 - **Workshop about the provisional measures 2.055 and 2.056, issued on**

august11th, 2000, which change rules issued by law 8.884/94 - promoted by IBRAC (2000);

- **International Seminar: “Competition and consumption Protection in Brazil: new law and policies”** - promoted by SEAE, from Ministry of Economy; SDE, from Ministry of Justice, CADE, Administrative Council of Economic Defense, in conjunction with OECD (2001);
- **VIII International Seminar on the Defense of Competition** - promoted by IBRAC (2002);
- **IX International Seminar on the Defense of Competition** - promoted by IBRAC (2003);
- **Institutions and Development** – seminar organized by “Tendências Consultoria” (2004);
- **International Seminar on Antitrust Law** – promoted by the Federal Justice Council – CJF (2005);
- **1st Antitrust Spring Conference** - promoted by IBRAC together with International Bar Association and Latin Lawyer (2005);
- **9th Competition Conference** - promoted by the International Bar Association (2005);
- **International Seminar about Defense of Competition** – promote by International Bar Association (2005);
- **1st Antitrust Spring Conference** – promoted by International Bar Association together with IBRAC (2005);
- **XI International Seminar on the Defense of Competition** - promoted by IBRAC (2005);
- **The Annual Chatham House Competition Conference** – promoted by Chatham House (2005);
- **XII International Seminar of Defense of Competition** - promoted by IBRAC (2006);
- **Judiciary in the Antitrust Defense** - promoted by IBRAC and AJUFE (2006);
- **VI Seminar about Consumer Relations** – organized by IBRAC/FGV (2006);
- **I International Conference of Defense of Competition of SBDC: Balance and Challenges in the Development of Antitrust Policy** – promoted by the Administrative Council for Economic Defense – CADE (2006);
- **National Forum for a Modern Policy of Competition to Brazil** – promoted by

- INAE – Instituto Nacional de Altos Estudos (2006);
- **Discussion cycle of Justice and Economy – III Seminar – Justice Efficiency and its Effectiveness in Economy** - promoted by Brazilian Institute for Ethics in Competition – ETCO (2007);
 - **Reform of the Brazilian Competition Law, Law Project nº 5.877/2005 and Substitutive 2007** – organized by Law School of University of Sao Paulo (2007);
 - **VI Juridical-Business Conference Brazil-Argentina – Derecho de Defensa de la Competencia – Buenos Aires** - organized by the Embassy of Brazil in Buenos Aires (2007);
 - **XIII International Seminar of Defense of Competition** – promoted by IBRAC (2007);
 - **International Seminar – “Latin American Competition Policy: The Law and Economics of Cartels and Competition Advocacy”** – promoted by Law School of Sao Paulo of Fundação Getúlio Vargas – EDESP/FGV (2008);
 - **XV International Seminar of Defense of Competition** – promoted by IBRAC (2009);
 - **Law and Economy: The Work of Lawyers and Economists** – promoted by Institute of Law and Economics Trends (2009);
 - **Seminar of Intellectual Property** – promoted by International Chamber of Commerce – Intellectual Property and Free Commerce Committee of Brazil (2010);
 - **VI Seminar of Consumption Relationships** – promoted by IBRAC/FGV;
 - **XVI International Seminar of Defense of Competition** – promoted by IBRAC (2010);
 - **XIII Seminar of Perspectives of Brazilian Economy - Economic and political scenarios** – organized by Tendencias Consultoria Integrada (2011);
 - **Antitrust in the Americas Conference** – organized by American Bar Association (2011);
 - **XVIII International Seminar of Defense of Competition** – promoted by IBRAC (2012);
 - **Antitrust in the Americas II Conference** – organized by the American Bar Association (2013);
 - **Compliance and Defense of Competition** – organized by Escola de Magistrados do TRF da 3ª Região (2014);
 - **Certification in Board of Directors** – organized by the Brazilian Institute of

- Corporate Governance - IBGC (2017);
- **FT Commodities Americas Summit** – organized by Financial Times Live (2018);
 - **Seminar 15 Years of Antitrust Leniency Program** – organized by the Federal Prosecution Service – MPF and the Administrative Council for Economic Defense – CADE (2018);
 - **1st Internacional Seminar “Free Competition in Brazilian Courts”** – promoted by Association of Federal Judges of Brazil – AJUFE, together with Association of Federal Judges of São Paulo and Mato Grosso do Sul– AJUFESP, the School of Magistrates of the 3rd Region Federal Court EMAG, the Brazilian Institute for Competition, Consumption and Internacional Trade Studies – IBRAC and the Center for Economic and Social Law Studies – CEDES (2019).
 - **Webinar “The borders of the defense of competition and the protection of intellectual property: Anfape’s case”** – organized by the Brazilian Institute of Competition and Innovation - IBCI, the Center for Studies and Research on Competition and Innovation - NCI of the PUC-SP and the Law and Innovation Study Group of the FDRP-USP (2020).
 - **XXVI International Seminar of Defense of Competition** – promoted by IBRAC (2020).

ACADEMIC WORKS AND ARTICLES PUBLISHED

- **The object of the civil lawsuit;**
- **The object of the divorce lawsuit;**
- **The duty of cohabitation;**
- **Juridical foundation of obligation in accidents in the workplace;**
- **Juridical foundation of power of attorney;**
- **Study on the controversy “Windscheidt x Muther”;**
- **Study on the subject “*Relatività del concetto di azione*” (Calamandrei);**
- **Study on the subject “*L’azione nella Teoria del Processo Civile*” (Liebman);**
- **“Concordata”, a great deal (published);**
- **Proposals for the reformulation of income tax deductions (published);**
- **The dismissal of pregnant employees (published);**
- **The burden of proof in informatic law (published);**

As of 1993:

- **Abuse of economic power: doubts and solutions (published);**
- **CADE vs. Jurisdiction – a problem to solve (published);**
- **The future of competition protection (published);**
- **Cartels: an economic sinusitis (published.);**
- **Legal opinion on the Gasol case** – absence of obligation to submit contracts to CADE in the gas stations' market.(2006)
- Legal opinion about alleged anti-competitive practice in the no mercado de ferrous scrap market (coauthored with Denis Alves Guimarães e Natália Ferraz Granja) (2008);
- **The reform of CADE and regulatory agencies** (coauthored with Denis Alves Guimarães – Economic Value, 09/17/09, E2).
- **Farina, Laércio (org) et al - “Competition and regulation in the private health insurance and plans sector” (original in Portuguese), Singular Publishing Company, São Paulo, 2010;**
- **Farina, Laércio et al – “THE NEW LAW OF CADE”, Migalhas Publishing Company, Ribeirão Preto, 2012;**
- **Farina, Laércio et al – “THE NEW LAW OF CADE, THE FIRST YEAR IN THE STANDPOINT OF THE AUTHORITIES”, Migalhas Publishing Company, Ribeirão Preto, 2013;**
- **Farina, Laércio et Guimarães, Denis. – “COMPETITION LAW AND CONSUMER PROTECTION: A reflection on industrial property”, in: IBRAC Magazine, year 21, no. 23. Revista dos Tribunais Publishing Company, 2014.**
- **Farina, Laércio et al – “Competition Law Compendium: Border Topics”, Migalhas Publishing Company, São Paulo, 2015.**
- **Farina, Laércio et al – “The Interface between Regulation and Competition in the Oil Productive Chain: Analysis of trials by CADE”, Migalhas Publishing Company, São Paulo, 2017.**
- **Farina, Laércio. “Institutionality of the competition’s defense” (Economic Value, 06/19/19).**
- **Farina, Laércio (coauthored with Renan Matheus Macedo Tolfo) “A misconception to rue: ‘ANFAPE case’ ”. In: Bagnoli, Vicente; Cristofaro, Pedro Paulo Salles (Coords). Commented CADE Jurisprudence. São Paulo: Thomson Reuters Brasil,**

2019. pp. 499-515.

- **Farina, Laércio.** [Untitled]. In: Zanotta, Pedro. (Coord). Talking to IBRAC. São Paulo: Singular, 2019. pp. 93-101.
- **Farina, Laércio.** “**Judicial review of the merits of CADE's decisions**”. In: Cordovil, Leonor; Athias, Daniel (Coords). Competitive Law in Transformation: in honor of Mauro Grinberg. São Paulo: Singular, 2020. pp. 147-168.