The Pros and Cons, Stockholm

Leniency Policy and Criminal Sanctions
Experiences of the Bundeskartellamt

13 November 2015

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Comments

- Does leniency need criminalisation and vice versa
- Compromise inherent in a leniency program
- Gaming of leniency policy
Benefits for Enforcement

Leniency programs are most important detection tool

Destabilize and prevent cartels

Reward compliance measures

Bridge to legality
Ways to tackle „Unfairness“

- Exclude “most unfair” constellations from immunity
- Alternative detection tools should not be neglected
  - Informants / complaints of competitors or other market participants (third companies, consumers)
  - Other cases/proceedings
  - Market research / screening
- Public relations
Ways to tackle risk of „Gaming“

- Do features of program facilitate „gaming“?
- Reliance and trust in authority but „realistic“ view on applicant
- Corroboration of leniency statements by other evidence
Thank you for your attention!