



The General Guidelines of the Swedish Competition Authority on immunity from fines and reduction of fines

(Only the Swedish version is authentic)
decided on 8 December 2014.

1. Introduction

1. According to Chapter 3, Article 5 of the Swedish Competition Act (2008:579), the Swedish Competition Authority may petition Stockholm City Court to impose an administrative fine on undertakings that have intentionally or negligently infringed the prohibitions of Chapter 2, Article 1 or Article 101 of the Treaty on the Functioning of the European Union (TFEU).
2. The size of the administrative fine is to be determined in accordance with Chapter 3, Articles 6, 8–11. Chapter 3, Article 12 and Articles 14–15 contain regulations concerning immunity from the administrative fine. Chapter 3, Articles 13–14 contain regulations concerning reduction of the administrative fine.
3. Only one undertaking can be granted immunity. It is not possible for several undertakings to jointly apply for immunity. A joint application means that none of the undertakings fulfil the conditions for immunity.
4. In these General Guidelines, the Swedish Competition Authority provides information on how it interprets and applies the provisions of the Swedish Competition Act concerning
 - immunity from fines before the Competition Authority has an opportunity to intervene (Chapter 2.1);
 - immunity from fines after an intervention by the Swedish Competition Authority (Chapter 2.2); and
 - reductions (Chapter 3).
5. The Swedish Competition Authority also provides information on its processing of immunity and reduction matters (Chapter 4).

2. Immunity from fines

2.1 Immunity from fines prior to an intervention by the Swedish Competition Authority

Chapter 3, Article 12 first paragraph of the Competition Act

Leniency regarding an administrative fine may be granted for an undertaking which has infringed a prohibition contained in Chapter 2, Article 1 or in Article 101 of the Treaty on the Functioning of the European Union, if the undertaking is the first to notify the infringement to the Swedish Competition Authority and if it is only owing to the information contained in the notification that the Authority has obtained sufficient material to take action against the infringement.

Chapter 3, Article 12 third paragraph of the Competition Act

Leniency may not be granted for the administrative fine regarding an undertaking that has coerced another undertaking to participate in the infringement.

Chapter 3, Article 14 of the Competition Act

In order to be granted leniency or reduction according to Article 12 or 13 the undertaking shall in addition to these provisions

- 1. provide the Swedish Competition Authority with all the information and evidence about the infringement which the undertaking has in its possession or under its control,*
- 2. actively cooperate with the Swedish Competition Authority during the investigation of the infringement,*
- 3. not destroy evidence or in any other way hinder the future or the present investigation of the infringement, and*
- 4. as soon as possible after an application or after it has provided the information ends its participation in the infringement.*

The undertaking is the first to notify the Swedish Competition Authority of the infringement

6. The first undertaking to report anti-competitive cooperation to the Swedish Competition Authority is granted immunity, provided that the requirements in points 7–19 below are fulfilled.
7. A requirement for the granting of immunity from fines is that the Swedish Competition Authority, at the time when the report is submitted, does not have access to sufficient evidence to take measures against the anti-competitive cooperation, i.e. that the Swedish Competition Authority does not have enough evidence to implement an investigation according to Chapter 5, Articles 3-5.

The undertaking has not coerced another undertaking to participate in the infringement

8. If an undertaking, through the application of threats or pressure, has coerced another undertaking to participate in the infringement, this undertaking does not fulfil the preconditions for leniency in the form of immunity from fines. An undertaking that has initiated, maintained or played a leading part in the infringement is however not excluded from immunity. An undertaking may contact the Swedish Competition Authority anonymously for guidance on where the line for coercion is drawn.
9. An undertaking that has coerced another undertaking to participate in the infringement, and is thereby excluded from possible immunity, may be granted a reduction of the administrative fine, in accordance with Chapter 3 below.

The undertaking submits all available information about the infringement

10. To be granted immunity from fines, the undertaking must provide the Swedish Competition Authority with all the information on the infringement at its disposal. Consequently the undertaking must, as far as possible, voluntarily state
 - a) what the anti-competitive cooperation concerns (e.g., market division, or fixing purchase or selling prices),
 - b) which goods or services the cooperation refers to,
 - c) which geographical area the cooperation refers to,
 - d) which undertakings have participated in the cooperation,
 - e) when this cooperation was initiated and when it was concluded (if it has been concluded),
 - f) which contacts have taken place between the undertakings that participated in the cooperation and the content of these contacts,
 - g) at which points in time the contacts between the undertakings have taken place,
 - h) what the participating undertakings have done to facilitate and implement the cooperation,
 - i) which persons within the undertaking are able to provide information on the cooperation, and
 - j) which persons in competing undertakings have participated in the cooperation.
11. The undertaking must also submit copies of any documents that concern the reported infringement that the undertaking has or gets access to, for example notes or minutes from meetings and correspondence.
12. If the infringement has also been reported to the European Commission, the Swedish Competition Authority may deviate from some of the requirements stated in points 10 and 11 above. For further information refer to “summary applications” in points 66–71 below.

The undertaking is actively cooperating

13. The undertaking must continuously and actively cooperate with the Swedish Competition Authority during the investigation of the infringement, meaning that it must place its employees and, if possible, also previous employees at the disposal of the Swedish Competition Authority, in order to provide answers to questions concerning its anti-competitive cooperation. The undertaking must also voluntarily and without delay provide any information and documents concerning the infringement, which the undertaking is made aware of after the report has been made.

14. The Swedish Competition Authority may also come to require assistance from the undertaking in the event of a court procedure. In such cases, the undertaking must confirm its previously submitted information.
15. Failure by the undertaking to cooperate fully may entail losing its immunity from fines.

The undertaking does not destroy evidence or hinder the investigation

16. The undertaking may not take any measures to hinder the Swedish Competition Authority's investigation. The undertaking may not reveal to another party that the infringement has been reported to the Swedish Competition Authority before the infringement has become public knowledge through measures taken by the Swedish Competition Authority. Nor may the undertaking reveal the content of the report submitted or any additional information that the undertaking has submitted to the Swedish Competition Authority during the continued investigation of the infringement.
17. The requirement encompasses measures taken both prior to and after the point in time when the undertaking first submits information concerning the infringement to the Swedish Competition Authority. Consequently the undertaking is obligated, as soon as it considers reporting the infringement, to ensure that no evidence is destroyed and that the investigation is not hindered in any other manner.
18. If the undertaking intentionally or through negligence provides erroneous or misleading information to the Swedish Competition Authority, its possibility to be granted immunity from fines may be lost.

The undertaking ends its participation in the infringement

19. To be granted immunity from fines, the undertaking must have ended its participation in the infringement, or do so immediately after its notification to the Swedish Competition Authority. In cases where the infringement is still ongoing, the undertaking should consult with the Swedish Competition Authority on how the undertaking is to end its participation in the infringement.

2.2 Immunity from fines after an intervention by the Swedish Competition Authority

Chapter 3, Article 12 second paragraph of the Competition Act

When the Swedish Competition Authority already has sufficient material to take action against the infringement, leniency may be granted for the administrative fine regarding an undertaking that has infringed the said prohibition, provided that

- 1. the undertaking is the first to provide such information that results in it being established that the infringement occurred, or*
- 2. the undertaking in some other way has to a very significant extent facilitated the investigation of the infringement.*

Chapter 3, Article 12 third paragraph of the Competition Act

Leniency may not be granted for the administrative fine regarding an undertaking that has compelled another undertaking to participate in the infringement.

Chapter 3, Article 14 of the Competition Act

In order to be granted leniency or reduction according to Article 12 or 13 the undertaking shall in addition to these provisions

- 1. provide the Swedish Competition Authority with all the information and evidence about the infringement which the undertaking has or gets access to,*
- 2. actively cooperate with the Swedish Competition Authority during the investigation of the infringement,*
- 3. not destroy evidence or in another way hinder the future or the present investigation of the infringement, and*
- 4. as soon as possible after an application or after it has provided the information stop its participation in the infringement.*

The undertaking is the first to submit information that leads to the establishment of the fact that the infringement has occurred – Chapter 3, Article 12, second paragraph, point 1

20. This provision is applicable in cases where the Swedish Competition Authority has obtained sufficient material to intervene against the infringement, i.e. where the Authority has already conducted an investigation, or could do so, in accordance with Chapter 5, Articles 3–5.
21. The first undertaking to submit information that leads to the establishment of the fact that the infringement has occurred is granted immunity, provided that the requirements in points 25–37 below are fulfilled.
22. Immunity from fines may be considered for an undertaking that has voluntarily provided crucial evidence that results in establishing that the infringement occurred.
23. ‘Evidence’ refers to written documentation or verbal information. Written documents may include notes and minutes from meetings as well as correspondence. Verbal information may include statements from employees, representatives of the undertaking or former employees. The undertaking should document the verbal information, for example through tape recordings or signed statements. The Swedish Competition Authority must not previously have had access to this evidence.
24. Once the Swedish Competition Authority has initiated an investigation in accordance with Chapter 5, Articles 3–5, the Authority is considered to have access to all the evidence that will be encountered in the investigation. If, during an ongoing investigation, an undertaking applies for immunity from fines, the Swedish Competition Authority will only consider the value of any provided information after the planned audit, pursuant to Chapter 5, Article 6, has been completed.

The undertaking has significantly facilitated the investigation – Chapter 3, Article 12, second paragraph, point 2

25. The Swedish Competition Authority is restrictive in the application of the provision in Chapter 3, Article 12, second paragraph, point 2 relating to the immunity from fines. Consequently the opportunities to be granted immunity from fines according to this provision are very limited.

The undertaking has not coerced another undertaking to participate in the infringement

26. If one undertaking, through the application of threats or pressure, has coerced another undertaking to participate in the infringement, this undertaking does not fulfil the preconditions for leniency in the form of immunity from fines. An undertaking that has initiated, maintained or played a leading part in the infringement is however not excluded from immunity. An undertaking may contact the Swedish Competition Authority anonymously for guidance on where the line for coercion is drawn.
27. An undertaking that has coerced another undertaking to participate in the infringement, and is thereby excluded from possible immunity, may be granted a reduction of the administrative fine, in accordance with Chapter 3 below.

The undertaking submits all available information about the infringement

28. To be granted immunity from fines, the undertaking must provide the Swedish Competition Authority with all the information on the infringement at its disposal. Consequently the undertaking must, as far as possible, voluntarily state
 - a) what the anti-competitive cooperation concerns (e.g., market division, or fixing purchase or selling prices),
 - b) which goods or services the cooperation refers to,
 - c) which geographical area the cooperation refers to,
 - d) which undertakings have participated in the cooperation,
 - e) when this cooperation was initiated and when it was concluded (if it has been concluded),
 - f) which contacts have taken place between the undertakings that participated in the

- cooperation and the content of these contacts,
g) at which points in time the contacts between the undertakings have taken place,
h) what the participating undertakings have done to facilitate and implement the cooperation,
i) which persons within the undertaking are able to provide information on the cooperation,
and
j) which persons in competing undertakings have participated in the cooperation.
29. The undertaking must also submit copies of any documents that concern the reported infringement that the undertaking has or gets access to, for example notes or minutes from meetings and correspondence.
30. If the infringement has also been reported to the European Commission, the Swedish Competition Authority may deviate from some of the requirements stated in points 28 and 29 above. For further information refer to summary applications in points 66–71 below.

The undertaking is actively cooperating

31. The undertaking must continuously and actively cooperate with the Swedish Competition Authority during the investigation of the infringement, meaning that it must place its employees and, if possible, also previous employees at the disposal of the Swedish Competition Authority, in order to provide answers to questions concerning its anti-competitive cooperation. The undertaking must also voluntarily and without delay provide any information and documents concerning the infringement, which the undertaking is made aware of after the report has been made.
32. The Swedish Competition Authority may also come to require assistance from the undertaking in the event of a court procedure. In such cases, the undertaking must confirm its previously submitted information.
33. Failure by the undertaking to cooperate fully may entail losing its immunity from fines.

The undertaking does not destroy evidence or hinder the investigation

34. The undertaking may not take any measures to hinder the Swedish Competition Authority's investigation. The undertaking may not reveal to another party that it has submitted information on the infringement to the Swedish Competition Authority before the infringement has become public knowledge through measures taken by the Swedish Competition Authority. Nor may the undertaking reveal the content of the report submitted to the Swedish Competition Authority during the continued investigation of the infringement.
35. The requirement encompasses measures taken both prior to and after the point in time when the undertaking first submits information concerning the infringement to the Swedish Competition Authority. Consequently the undertaking is obligated, as soon as it considers applying for immunity, to ensure that no evidence is destroyed and that the investigation is not hindered in any other manner.
36. If the undertaking intentionally or through negligence provides erroneous or misleading information to the Swedish Competition Authority, its possibility to be granted immunity from fines may be lost.

The undertaking ends its participation in the infringement

37. To be granted immunity from fines, the undertaking must have ended its participation in the infringement, or do so immediately after its notification to the Swedish Competition Authority. In cases where the infringement is still ongoing, the undertaking should consult with the Swedish Competition Authority on how the undertaking is to end its participation in the infringement.

3. Reduction of fines

Chapter 3, Article 13 of the Competition Act

The fine may be set at a lower amount than would be the case when applying Articles 8–11 for an undertaking which has infringed the prohibition in Chapter 2, Article 1 or Article 101 TFEU, if the undertaking provides the Swedish Competition Authority with such information that facilitates the investigation of the infringement to a significant extent.

When assessing the amount of the reduction, account must be taken of whether any other undertaking has already provided such information that has to a significant extent facilitated the investigation.

Chapter 3, Article 14 of the Competition Act

In order to be granted leniency or reduction according to Article 12 or 13 the undertaking shall in addition to these provisions

- 1. provide the Swedish Competition Authority with all the information and evidence about the infringement which the undertaking has or gets access to,*
- 2. actively cooperate with the Swedish Competition Authority during the investigation of the infringement,*
- 3. not destroy evidence or in another way hinder the future or the present investigation of the infringement, and*
- 4. as soon as possible after an application or after it has provided the information stop its participation in the infringement.*

The undertaking has facilitated the investigation to a significant extent

38. Any undertaking that provides information which significantly facilitates the investigation is granted a reduction, provided that the requirements in points 39–41 below are fulfilled.
39. If an undertaking is to be considered to have facilitated the investigation to an extent that reduction of fines may be considered, it is necessary that the undertaking has come forward voluntarily to provide the Swedish Competition Authority with such evidence or such information on the infringement that has added considerable value to that already accessible to the Authority. The evidence or information must further illuminate the circumstances surrounding the infringement.
40. ‘Evidence’ refers to written documentation or verbal information. Written documents may include notes and minutes from meetings as well as correspondence. Verbal information may include statements from employees, representatives of the undertaking or former employees. The undertaking should document the verbal information, for example through tape recordings or signed statements. The Swedish Competition Authority must not previously have had access to this evidence.
41. For a reduction of fines to be possible, the undertaking must take active, voluntary measures. The requirement for the undertaking to significantly facilitate the investigation cannot be considered fulfilled solely through representatives of the undertaking appearing at the appointed time, willingly answering questions or similarly participating in the investigation. The fact that the undertaking submits documents that in some way relates to the infringement is not in itself sufficient grounds for the undertaking to be considered to have significantly facilitated the investigation.
42. Once the Swedish Competition Authority has initiated an investigation in accordance with Chapter 5, Articles 3–5, the Authority is considered to have access to all the evidence that will be encountered during the investigation. If, during an ongoing investigation, an undertaking applies for a reduction of fines, the Swedish Competition Authority will only consider the value of any provided information after the planned audit, pursuant to Chapter 5, Article 6, has been completed.

The undertaking submits all available information about the infringement

43. To be granted reduction of fines, the undertaking must provide the Swedish Competition Authority with all the information on the infringement at its disposal. Consequently the undertaking must, as far as possible, voluntarily state
- a) what the anti-competitive cooperation concerns (e.g., market division, or fixing purchase or selling prices),
 - b) which goods or services the cooperation refers to,
 - c) which geographical area the cooperation refers to,
 - d) which undertakings have participated in the cooperation,
 - e) when this cooperation was initiated and when it was concluded (if it has been concluded),
 - f) which contacts have taken place between the undertakings that participated in the cooperation and the content of these contacts,
 - g) at which points in time the contacts between the undertakings have taken place,
 - h) what the participating undertakings have done to facilitate and implement the cooperation,
 - i) which persons within the undertaking are able to provide information on the cooperation, and
 - j) which persons in competing undertakings have participated in the cooperation.
44. The undertaking must also submit copies of any documents that concern the anti-competitive cooperation that the undertaking has or gets access to, for example notes or minutes from meetings and correspondence.

The undertaking is actively cooperating

45. The undertaking must continuously and actively cooperate with the Swedish Competition Authority during the investigation of the infringement, meaning that it must place its employees and, if possible, also previous employees at the disposal of the Swedish Competition Authority, in order to provide answers to questions concerning its anti-competitive cooperation. The undertaking must also voluntarily and without delay provide any information and documents concerning the infringement, which the undertaking is made aware of after the report has been made.
46. The Swedish Competition Authority may also come to require assistance from the undertaking in the event of a court procedure. In such cases, the undertaking must confirm its previously submitted information.
47. Failure by the undertaking to cooperate fully may entail losing its reduction of fines.

The undertaking does not destroy evidence or hinder the investigation

48. The undertaking may not take any measures to hinder the Swedish Competition Authority's investigation. The undertaking may not reveal to another party that it has submitted information on the infringement to the Swedish Competition Authority before the infringement has become public knowledge through measures taken by the Swedish Competition Authority. Nor may the undertaking reveal the content of the report submitted to the Swedish Competition Authority during the continued investigation of the infringement.
49. The requirement in Chapter 3, Article 14, point 3 encompasses measures taken both prior to and after the point in time when the undertaking first submits information concerning the infringement to the Swedish Competition Authority. Consequently the undertaking is obligated, as soon as it considers applying for a reduction, to ensure that no evidence is destroyed and that the investigation is not hindered in any other manner.
50. If the undertaking intentionally or through negligence provides erroneous or misleading information to the Swedish Competition Authority, its possibility to be granted a reduction of fines may be lost.

The undertaking ends its participation in the infringement

51. To be granted a reduction of fines, the undertaking must have ended its participation in the infringement, or do so immediately after its notification to the Swedish Competition Authority. In cases where the infringement is still ongoing, the undertaking should consult with the Swedish Competition Authority on how the undertaking is to end its participation in the infringement.

Size of the reduction

52. The fines of the first undertaking to fulfil the conditions for reduction of fines will be reduced by 30–50 per cent in relationship to the level the Swedish Competition Authority would otherwise have proposed. The fines of the second undertaking to fulfil the conditions will be reduced by 20–30 per cent. The fines of other undertakings that fulfil the relevant conditions will be reduced by up to 20 per cent.
53. In order to determine the reduction level within the stated intervals, the Swedish Competition Authority will take into consideration the point in time that the evidence was submitted and the degree to which value was added. The Swedish Competition Authority will also consider the degree and continuity of cooperation from the undertaking after the evidence was submitted.

4. Procedure

4.1 Processing of applications for immunity from fines prior to an intervention by the Swedish Competition Authority

Anonymous contacts

54. It is often in the interests of an undertaking considering to report an infringement in order to be granted immunity from fines, to ensure that it fulfils all the conditions stipulated in Chapter 3, Article 12, first paragraph. I.e. that the undertaking submits its notification before the Swedish Competition Authority has obtained sufficient evidence to take measures against the infringement, and that no other undertaking that has participated in the infringement has already made such a report.
55. The undertaking may contact the Swedish Competition Authority anonymously and describe the infringement in hypothetical terms. The Swedish Competition Authority's contact information can be found at www.konkurrensverket.se.
56. During such anonymous contacts, it is the undertaking that chooses which information to be submitted regarding the infringement.
57. If the information is not sufficient for the Swedish Competition Authority to assess whether the undertaking fulfils the conditions according to Chapter 3, Article 12, first paragraph, the Authority will inform the undertaking of this fact. The undertaking must then decide whether to provide more precise information.
58. Based on the information submitted by the undertaking, the Swedish Competition Authority takes a preliminary position on whether the conditions stated in Chapter 3, Article 12, first paragraph have been fulfilled at the time of the anonymous contact. A position of this kind is not legally binding on the Swedish Competition Authority, as an anonymous contact cannot be equated with an official report.
59. The Swedish Competition Authority cannot guarantee that some other undertaking does not report the infringement before the anonymous undertaking has made its report or applied for a marker.

Marker for immunity applicants

Chapter 3, Article 14a first paragraph of the Competition Act

The Swedish Competition Authority may give an undertaking a respite to provide the information required for a grant of leniency for the administrative fine under Article 12, first paragraph if the notification contains information about which product the infringement relates to, which other undertakings are participating in the infringement and what the purpose of the infringement is. If the undertaking provides the information before the expiry of the respite period, the information shall be deemed to have been provided when the notification was made.

60. An undertaking that wishes to apply for immunity from fines can be provided with a marker, i.e. be granted a respite to submit complete information as required according to points 10 and 11 above. For an undertaking to receive such a marker, however, its report must contain information concerning
 - a) which product the infringement relates to;
 - b) which undertakings are participating in the infringement; and
 - c) what the purpose of the infringement is (e.g., market division, or fixing purchase or selling prices).
61. The undertaking should inform the Swedish Competition Authority of what information collection measures will be taken, how long this will take, and what type of information the undertaking will be submitting. The Swedish Competition Authority will set a deadline for the provision of information in consultation with the undertaking. As a main rule, respite will be granted for up to two weeks. A longer respite may be granted only if the undertaking can show that circumstances will not reasonably allow for the information to be provided within two weeks.
62. When receiving an application for a marker, the Swedish Competition Authority will inform the undertaking if there is another undertaking ahead of them in the queue.
63. If the undertaking provides the required information, in accordance with points 10 and 11 above, before the expiry of the respite period, the information shall be deemed to have been provided when the notification was made. Failure of the undertaking to submit the required information within the respite period will result in the loss of its marker.

Notification of infringement

64. Notification may be made in writing or verbally. The Swedish Competition Authority's contact information can be found at www.konkurrensverket.se. Notification must be made by an authorised representative of the undertaking. If notification is made by an agent, a power of attorney must be submitted as soon as possible.
65. The notification should contain the information stated in points 10 and 11 above. In the notification, the undertaking should provide the name, address and telephone number of a contact person. The undertaking should also state whether it has reported, or intends to report, the infringement to any other competition authorities within the European Union.

Summary applications

66. An application for immunity from fines that has been submitted to a competition authority within the European Union is not credited to the applicant in other countries. When the infringement in question has effects in more than one country, it is therefore necessary to apply for immunity with several competition authorities.
67. If an undertaking has reported, or intends to report, the infringement to the European Commission, the report to the Swedish Competition Authority can be made through a less extensive application for immunity, referred to as a summary application.
68. In a summary application, the undertaking must state
 - a) the name and address of the undertaking,
 - b) the undertakings that have participated in the cooperation,
 - c) which goods or services the cooperation refers to,

- d) which geographical area the cooperation refers to,
 - e) when this cooperation was initiated and when it was concluded (if it has been concluded),
 - f) what the anti-competitive cooperation relates to (e.g., market division, or fixing purchase or selling prices),
 - g) the Member States in which evidence might be found, and
 - h) if the undertaking has previously applied, or intends to apply, for immunity from fines in reference to the same or an associated infringement.
69. The European Competition Network has developed a template that can be used to draw up a summary application for immunity from fines with the national competition authorities. The template is available at, e.g. www.konkurrensverket.se.
70. If the Swedish Competition Authority requests further information from the undertaking, the undertaking must provide the requested information without delay.
71. Also in the case of a summary application, the undertaking can receive a marker, i.e. initially provide a limited amount of information and be granted a respite to submit the remaining information. Respite is then granted until such a time that the Swedish Competition Authority decides to initiate an investigation. If the Swedish Competition Authority initiates an investigation of the reported infringement, the summary application is to be supplemented with the remaining information pursuant to points 10 and 11 above. In connection with this, the Swedish Competition Authority sets a deadline within which the application must be supplemented to fulfil the requirements in points 10 and 11 above.

Statement of immunity from fines

Chapter 3, Article 15 of the Competition Act

Upon application by an undertaking which notifies an infringement of a prohibition pursuant to Chapter 2, Article 1 or Article 101 TFEU, the Swedish Competition Authority shall state in a decision whether the conditions for granting immunity from the fine as provided for in Article 12, first paragraph, are fulfilled. Such a decision is binding on the Authority as well as the Stockholm City Court and the Market Court.

72. In its statement, the Swedish Competition Authority takes a position as to whether the undertaking fulfils the conditions according to Chapter 3, Article 12 first paragraph, i.e. whether the undertaking submitted its report before the Swedish Competition Authority had obtained sufficient material to take action against the infringement, and whether the undertaking was first to report the infringement.
73. A statement means that the Swedish Competition Authority may not bring a claim for administrative fines against the undertaking, provided that it fulfils the other conditions for immunity set out in Chapter 3, Article 14.
74. An issued statement eliminates the possibility for other undertakings to be granted immunity from fines. This also applies in cases where the undertaking issued with a statement is nevertheless not granted immunity.
75. If, at the time of application, the Swedish Competition Authority considers the undertaking not to fulfil the conditions of Chapter 3, Article 12 first paragraph, the Authority will take the information into consideration when assessing whether the undertaking may be entitled to immunity from fines pursuant to Chapter 3, Article 12 second paragraph, or for a reduction of fines.

Notice of immunity from fines

76. In connection to the other undertakings involved in the infringement being provided with a draft of the Swedish Competition Authority summons application relating to the infringement, the undertaking that reported the infringement will be informed of whether the circumstances allow for immunity from fines. Notice of immunity from fines is issued in connection with the Swedish Competition Authority issuing a fine order or submitting a summons application in reference to the reported infringement to Stockholm City Court.

4.2 Processing of applications for immunity from fines after the Swedish Competition Authority intervention

77. An undertaking that considers itself to be entitled to immunity from fines in accordance with Chapter 3, Article 12 second paragraph should notify the Swedish Competition Authority of this when submitting information on the infringement to the Swedish Competition Authority.
78. An undertaking applying for immunity from fines in accordance with Chapter 3, Article 12 second paragraph can be provided with a marker, i.e. be granted a respite to submit complete information as required according to points 28 and 29 above. The administration of such markers is described in points 60–63 above.
79. Applications for immunity from fines in accordance with Chapter 3, Article 12 second paragraph are also subject to points 64–65 above.
80. In connection to the other undertakings involved in the infringement being provided with a draft of the Swedish Competition Authority summons application relating to the infringement, the undertaking that has applied for immunity in accordance with Chapter 3, Article 12 second paragraph will be informed of whether the circumstances allow for such immunity. Notice of immunity from fines is issued in connection with the Swedish Competition Authority issuing a fine order or submitting a summons application in reference to the infringement to Stockholm City Court.

4.3 Processing of applications for reduction of fines

81. An undertaking that considers itself to be entitled to reduction of administrative fines should notify the Swedish Competition Authority of this when submitting evidence of the infringement to the Swedish Competition Authority.
82. Applications for reduction of fines are also subject to points 64–65 above.
83. The Swedish Competition Authority will issue its preliminary assessment of the level and grounds of reduction at the latest when it informs the undertaking of its preliminary position on the infringement.
84. In its fine order or summons application, the Swedish Competition Authority states which undertakings have cooperated with the Authority during the investigation of the infringement, and which have thereby been granted a reduction of the administrative fine in relationship to the level the Authority would otherwise have proposed. The Swedish Competition Authority will also present the grounds for the reduction.

5. Other

85. The provisions of the Competition Act concerning immunity from, and reduction of, fines do not entail any restriction on the Swedish Competition Authority's powers to refrain from bringing proceedings for an administrative fine, for reasons other than those stated in the Act.
86. These General Guidelines are without prejudice to the interpretations courts may make concerning the provisions on administrative fines in the Swedish Competition Act.

87. A decision on immunity from fines or reduction of fines does not protect the undertaking from consequences under civil law arising from the participation of the undertaking in the infringement.
88. As concerns information on opportunities for immunity to trading prohibition, please refer to the General Guidelines of the Swedish Competition Authority on trading prohibition in the event of infringements of the rules on competition KKVFS 2015:2.
89. Certain information in the Swedish Competition Authority's investigations is classified as secret according to the Swedish Public Access to Information and Secrecy Act (2009:400). During the Swedish Competition Authority's investigation, information may also be classified as planning secrecy (Chapter 17, Article 1) or secrecy of investigation (Chapter 17, Article 3). Business secrets may be subject to secrecy (Chapter 30, Article 1 of the Swedish Public Access to Information and Secrecy Act). A statement from an individual may also be subject to secrecy (Chapter 30, Article 3). Parties in the case are entitled to access information subject to secrecy unless there are exceptional reasons against this (Chapter 10, Article 3).

These General Guidelines are applicable as of 1 January 2015 and replace the General Guidelines (KKVFS 2012:1) of the Swedish Competition Authority on immunity from fines and reduction of fines.