



# 2017 ICN Annual Cartel Workshop

## **Mini-plenary # 5** **Cooperation with international antitrust partners**

Kris Dekeyser,  
Director of Policy,  
Directorate General for competition, European Commission



# International cooperation

- Forms of cooperation with antitrust agencies
- Examples of successful cooperation
- Cooperation with agencies beyond antitrust



# European Competition Network

- Context:
  - parallel competences by the Commission and the NCAs to enforce Articles 101 and 102 TFEU
  - a system of a flexible allocation of cases
- Broad cooperation powers under Regulation 1/2003 and the Network Notice

# Convergence of leniency programmes in the EU

- The ECN Model Leniency Programme
  - Non-binding tool for aligning leniency programmes in EU
  - Designed to address two main concerns:
    - The fact that an applicant had to lodge a full application with several authorities to be fully protected was overly burdensome
    - Important discrepancies between individual European programmes might dissuade applicants from reporting cartel
- Leniency Chapter in the ECN+ proposal
  - Putting key aspects of leniency programmes into law

# Challenges to leniency in multi-jurisdictional investigations

Comments from the private bar :

- Multiple notifications
- Multiple sanctions
- Overlapping demands of authorities
- Inconsistent protection of individuals
- Overreliance on leniency



# Maintaining the attractiveness of leniency

- Agencies must assess whether there is a real impact
- Should we have regard to sanctions imposed in other jurisdictions?
- Coordinating investigatory steps
- Immunity from criminal prosecution
- Promoting ex officio enforcement



# Future perspectives

- Is a an ECN model possible on a wider scale?
- Enhanced cooperation through ICN
- Further cooperation in discrete areas may be way forward
- Maintain involvement of private bar