



# Leniency in the EU

**Gorka NAVEA**

Deputy Head of Unit, Cartels Directorate  
ICN Cartel Workshop  
Madrid, 3 October 2016



# EU leniency programme

Introduced on 1996 - Based on **immunity + fixed leniency bands**

**Successful detection tool** – Number of decisions has tripled since introduction. Number of yearly applications is stable over the last years

Recent news - **Damages Directive**

- Explicit legal basis for leniency in Reg 773/2004
- Absolute protection of leniency statements

# ECN: a system of parallel enforcement

Regulation 1 provides that Commission + 27 NCAs apply **Article 101 TFEU in parallel** – either by 1 NCA, several NCAs or the Commission

Commission is best placed if effects in **3+ MSs** and can always **relieve NCAs** of their competence

Possibility of **exchanging information** between Authorities



# The ECN model leniency programme

Introduced in 2006, revised in 2012 – creates a significant degree of convergence in several areas

Submission of a full application to DG COMP and **summary application** to NCAs to protect their position in the leniency queue if DG COMP finally does not take the case

Useful tool for Authorities and undertakings