



**Achieving an efficient and effective leniency
programme: the Spanish experience**

Isabel López Gálvez,
Cartels and Leniency Deputy Director CNMC
Madrid, 3 October 2016

Spanish Leniency Programme: Competition Act 15/2007, 3 July 2007

➤ Features Spanish leniency programme:

- ✓ Administrative system, individuals also included (fines).
- ✓ Adapted EC Regulations (ECN Model Leniency Programme (MLP):
 - Exemption from payment of the fine (immunity)
 - Reduction of the amount of the fine (between 30% and 50% of the amount of the fine, first that fulfils the requirements for reduction; second, between 20% and 30% and successive, up to 20%).
- ✓ Creation of Cartels and Leniency Unit.

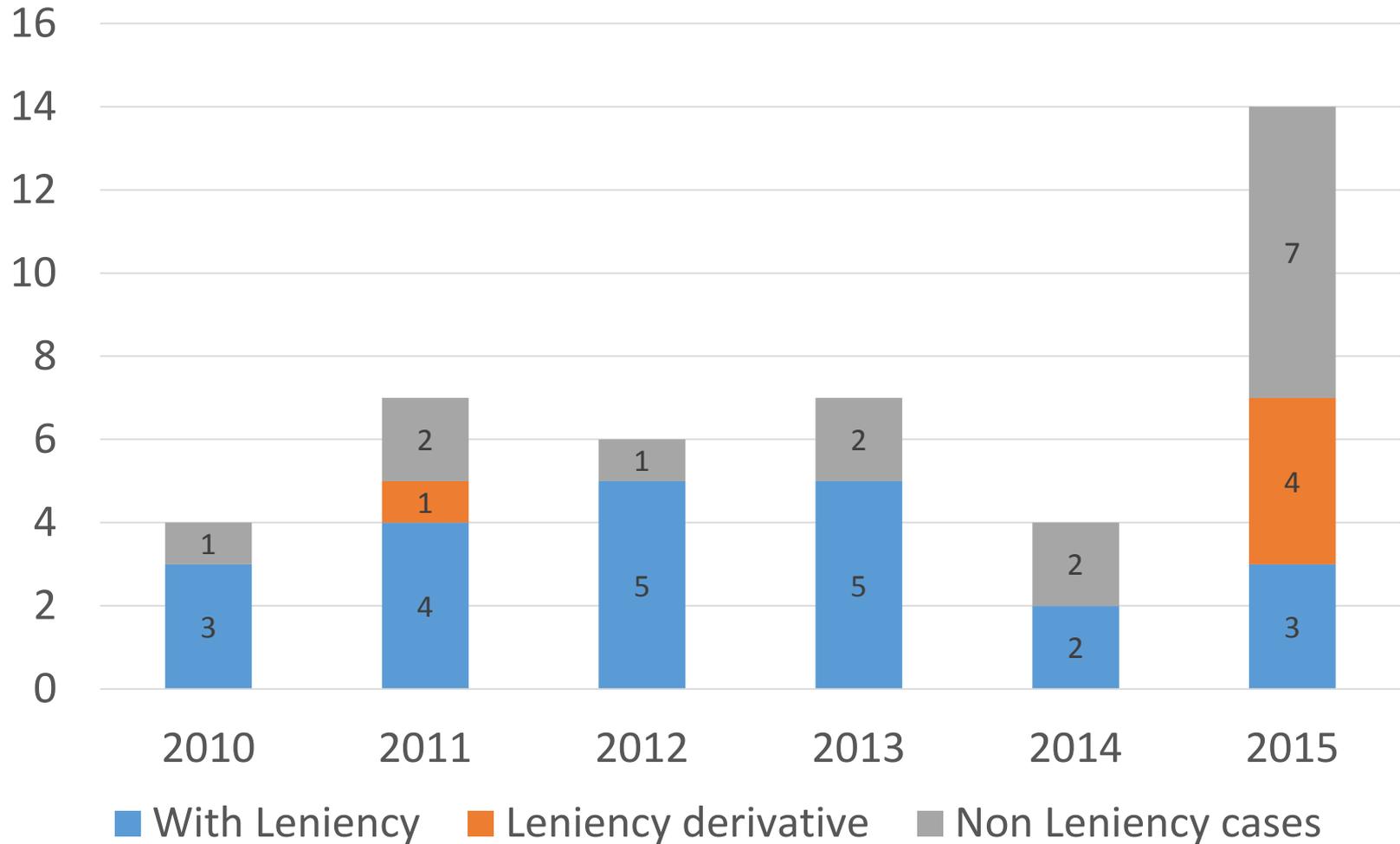
➤ Other measures:

- ✓ Public consultation process, seminars, articles ...
- ✓ Reinforced power inspections (press release, obstruction).
- ✓ Different degrees of infringement: cartels, the maximum penalties.

Features Spanish Leniency Programme (cont.)

- First day application: six leniency applications presented.
- Maximum transparency leniency application:
 - ✓ Provisional guidelines for processing leniency applications in the CA Website before entry into force, updated March 2009 (including internal processes application leniency programme).
 - ✓ June 2013: Communication on Leniency Programme, after modification MLP on November 2012
 - ✓ CNMC Website leniency programme (English and Spanish):
<https://www.cnmc.es/es-es/competencia/programadeclemencia.aspx>
- Certainty and predictability about expected benefits
 - ✓ Conditional immunity/rejection of the leniency application (withdraw the information and evidence presented)
 - ✓ Proposal for reducing the amount of the fine (ranges).
- Confidentiality of the information submitted and of the fact of the leniency application itself: Access to leniency application after SO, but no copies of any oral or written statements.

Number of cartel cases triggered by leniency (published)



Spanish Leniency Programme: assessment of its implementation

- Successful enforcement tool in fight against cartels:
 - ✓ 92 Leniency applications presented till 2008: 43 related to published cartel cases sanctioned (19 immunity applications), last one on 9 September.
 - ✓ New cartel cases (39% cartel cases, origin is a leniency application -48% if are added leniency derivatives).
 - ✓ New leniency applicants after inspections (56% cases): race between the members of the cartel.
 - ✓ Improve the international cooperation.
 - ✓ Strong deterrence through penalties (also directives) and press release cartel cases with leniency: awareness about application leniency programme is a key part of establishing a successful leniency programme.

- Issues for consideration maintain incentives Leniency Programme:
 - ✓ Forum stakeholders about effectiveness Spanish Leniency Programme
 - ✓ Possible modifications make secure accurate regulation about civil damages and prohibition making contracts with the Administration



Thank you for your attention