

# The Pros and Cons, Stockholm

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## Leniency Policy and Criminal Sanctions Experiences of the Bundeskartellamt

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Dr Katharina Krauss

Bundeskartellamt

Head of Unit



Bundeskartellamt

# Comments

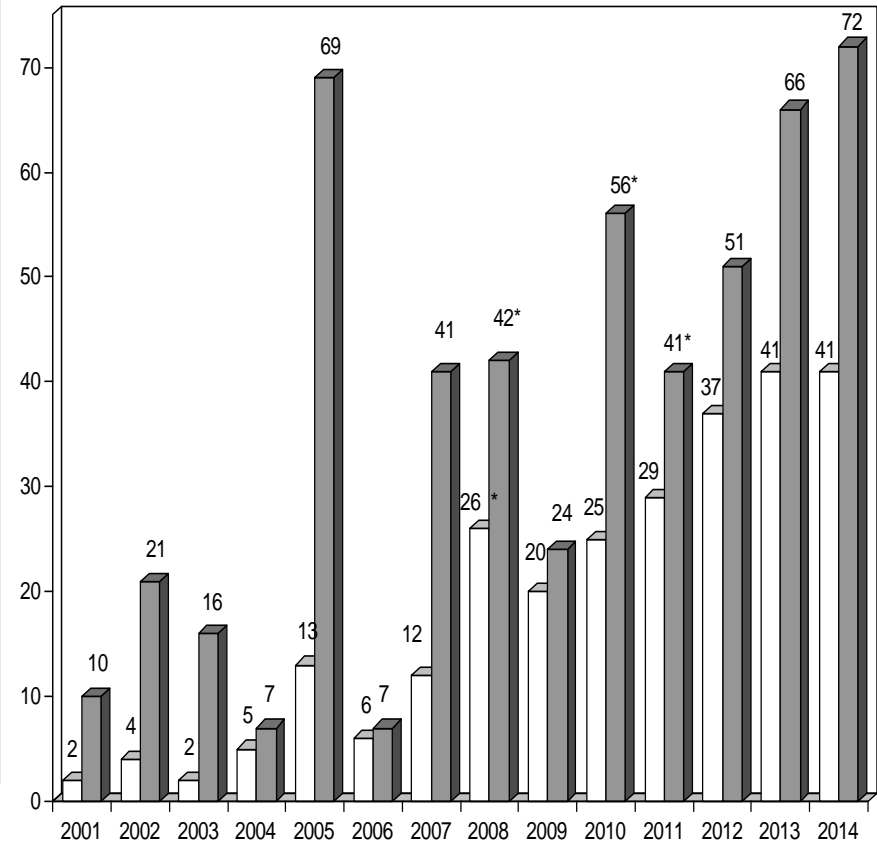
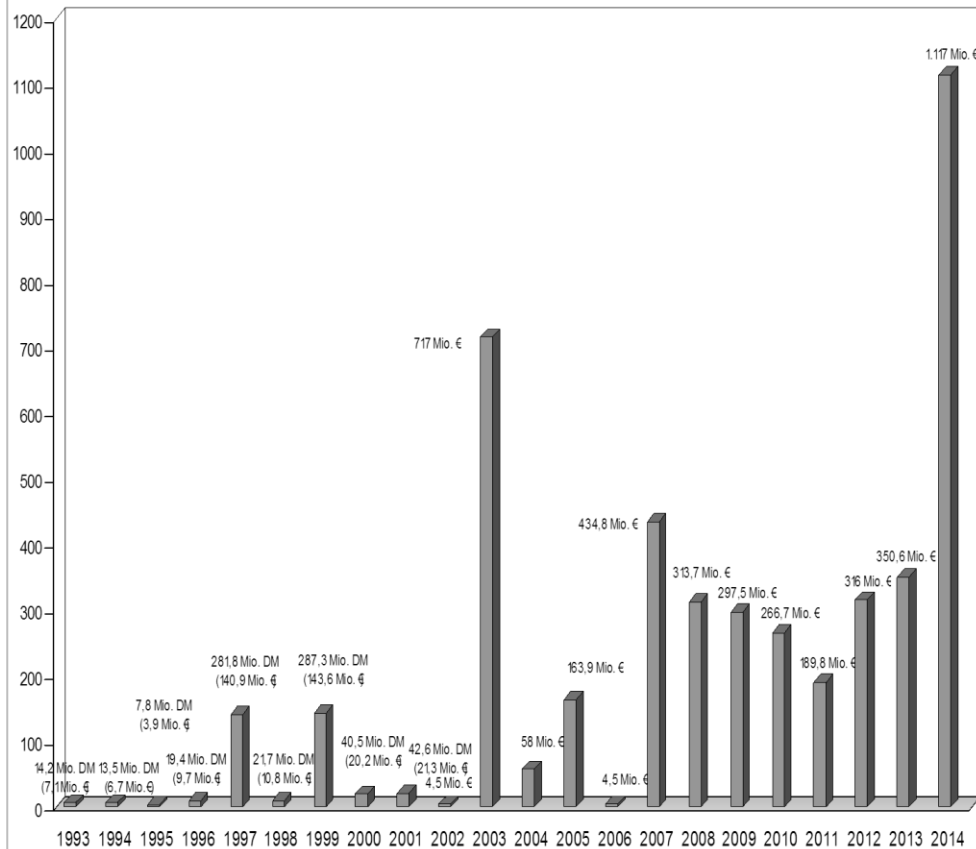
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- Does leniency need criminalisation and vice versa
- Compromise inherent in a leniency program
- Gaming of leniency policy

# Fines 1993-2014

# Leniency 2000-2014

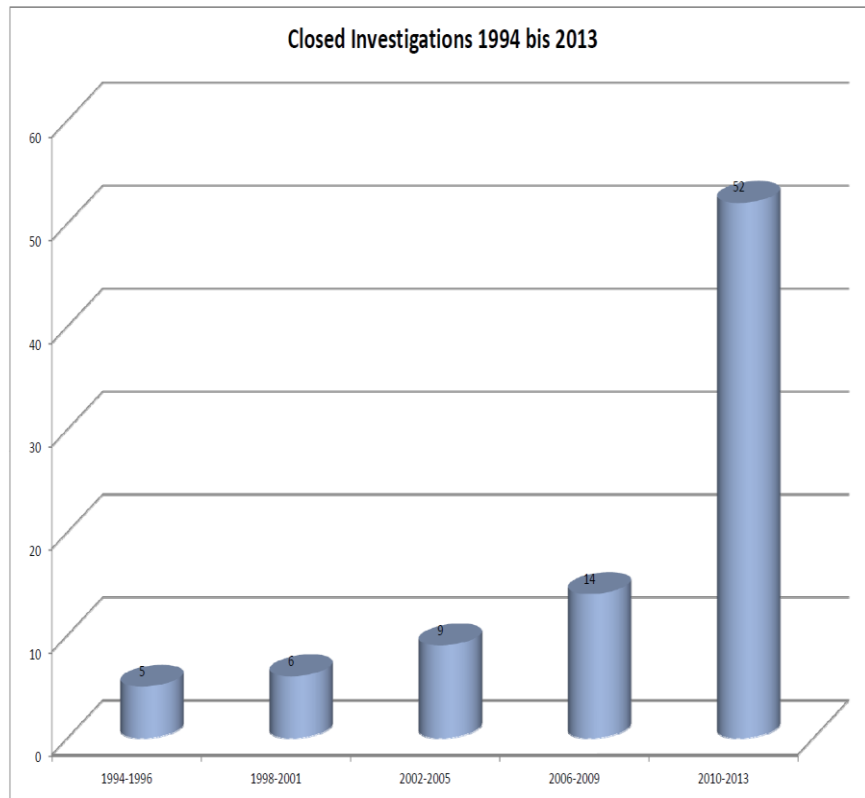
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□ Cases ■ Applications

# Benefits for Enforcement

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Leniency programs are most important detection tool

Destabilize and prevent cartels

Reward compliance measures

Bridge to legality

# Ways to tackle „Unfairness“

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- 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“

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

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Thank you for your attention!



Dr Katharina Krauss  
Bundeskartellamt

katharina.krauss@bkarta.bund.de