



Trends and Development in Cartel Enforcement

2010-2020

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INTRODUCTION

In 2010, a report based on the ICN Member Survey on Trends and Developments in Anti-Cartel Enforcement had been presented at the 9th ICN Annual Conference and had received significant interest.

The report can be reached from: https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/05/CWG_TrendsReport.pdf

As the new decade of the ICN starts, it has been considered that having a closer look at the anti-cartel enforcement landscape in the last decade would be beneficial to improve our perspective and determine new trends in this area. Hence the ICN CWG carried out the project on the “ICN Member Survey on Trends and Developments in Anti-Cartel Enforcement in the Second Decade of the ICN (2011-2020)”.

This project aims to capture high-level changes in cartel enforcement from the previous ICN decade and to analyse progress made in the fight against cartels. In this regard, the previous survey and the questions have been updated accordingly and sent to the ICN member agencies. The survey is accessible as an Appendix at the end of this report.

This Report is the main outcome of the project and is based on the findings the ICN Member Survey on Trends and Developments in Anti-Cartel Enforcement in the Second Decade of the ICN (2011-2020). Total of 30 jurisdictions filled the survey and the answers were analyzed based on the the previous report so that the two reports would be comparable.

In the first section of the report, the results are overviewed by using graphs and tables. The graphs make it easier to see the trends in anti-cartel enforcement in a nutshell. The tables on the other hand allows one to see the answers of the jurisdictions one by one. In the second section, supplemental excerpts are given based on the detailed statements provided by the agencies.

OVERVIEW OF SURVEY RESULTS



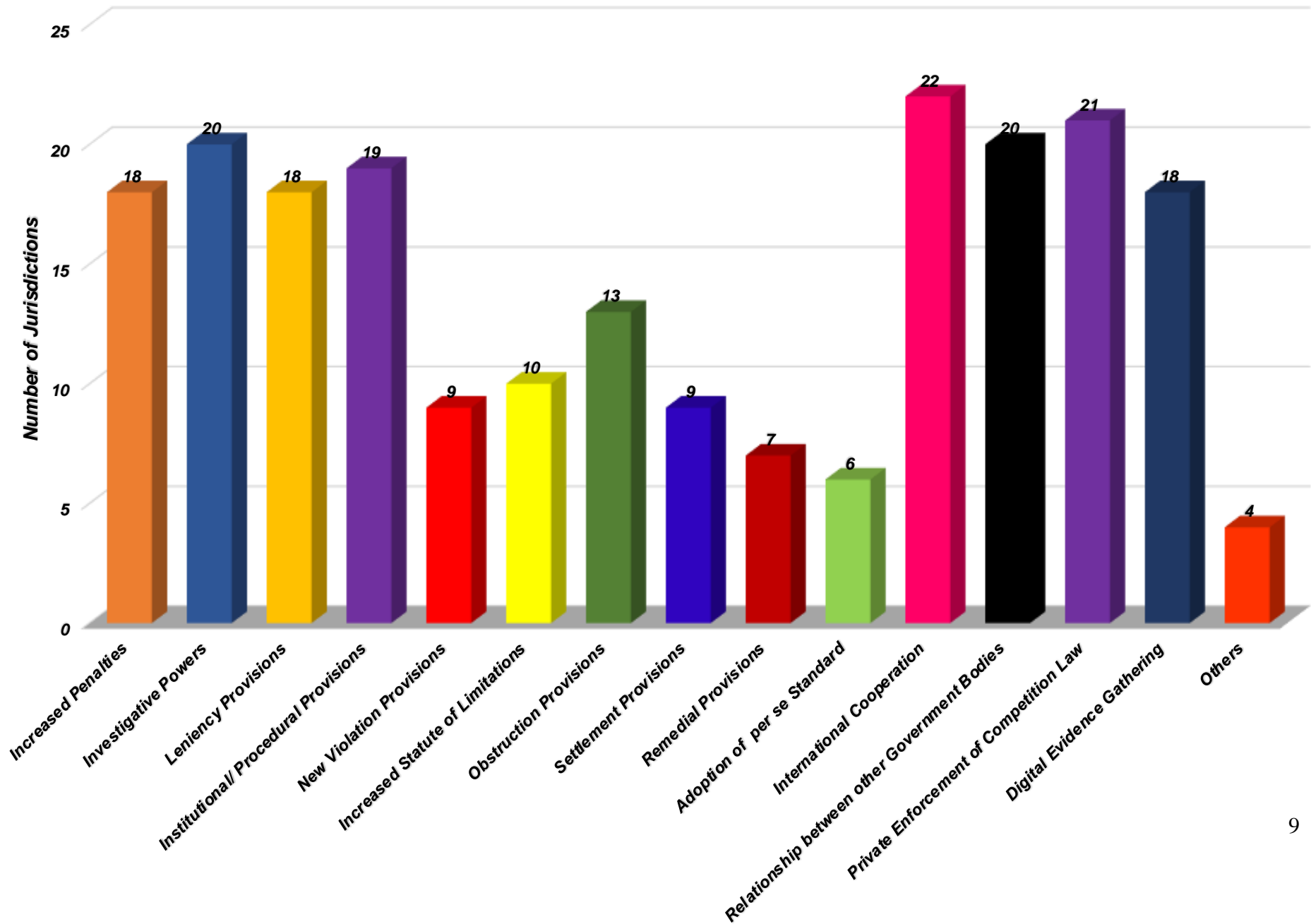
**International
Competition
Network**

Trends and Developments in Cartel Enforcement

PARTICIPATING JURISDICTIONS

- | | | |
|----------------------------|----------------------------------|--------------------------------|
| <i>1. Australia</i> | <i>11. Czechia</i> | <i>21. Italy</i> |
| <i>2. Austria</i> | <i>12. Denmark</i> | <i>22. Japan</i> |
| <i>3. Belgium</i> | <i>13. Dominican Rep.</i> | <i>23. Mexico</i> |
| <i>4. Bulgaria</i> | <i>14. EU</i> | <i>24. Poland</i> |
| <i>5. Brazil</i> | <i>15. Finland</i> | <i>25. Russia</i> |
| <i>6. Canada</i> | <i>16. Germany</i> | <i>26. South Africa</i> |
| <i>7. Chile</i> | <i>17. Hong Kong</i> | <i>27. Spain</i> |
| <i>8. Colombia</i> | <i>18. Hungary</i> | <i>28. Sweden</i> |
| <i>9. Croatia</i> | <i>19. Ireland</i> | <i>29. Turkey</i> |
| <i>10. Cyprus</i> | <i>20. Israel</i> | <i>30. US</i> |

CHANGES IN COMPETITION LAW



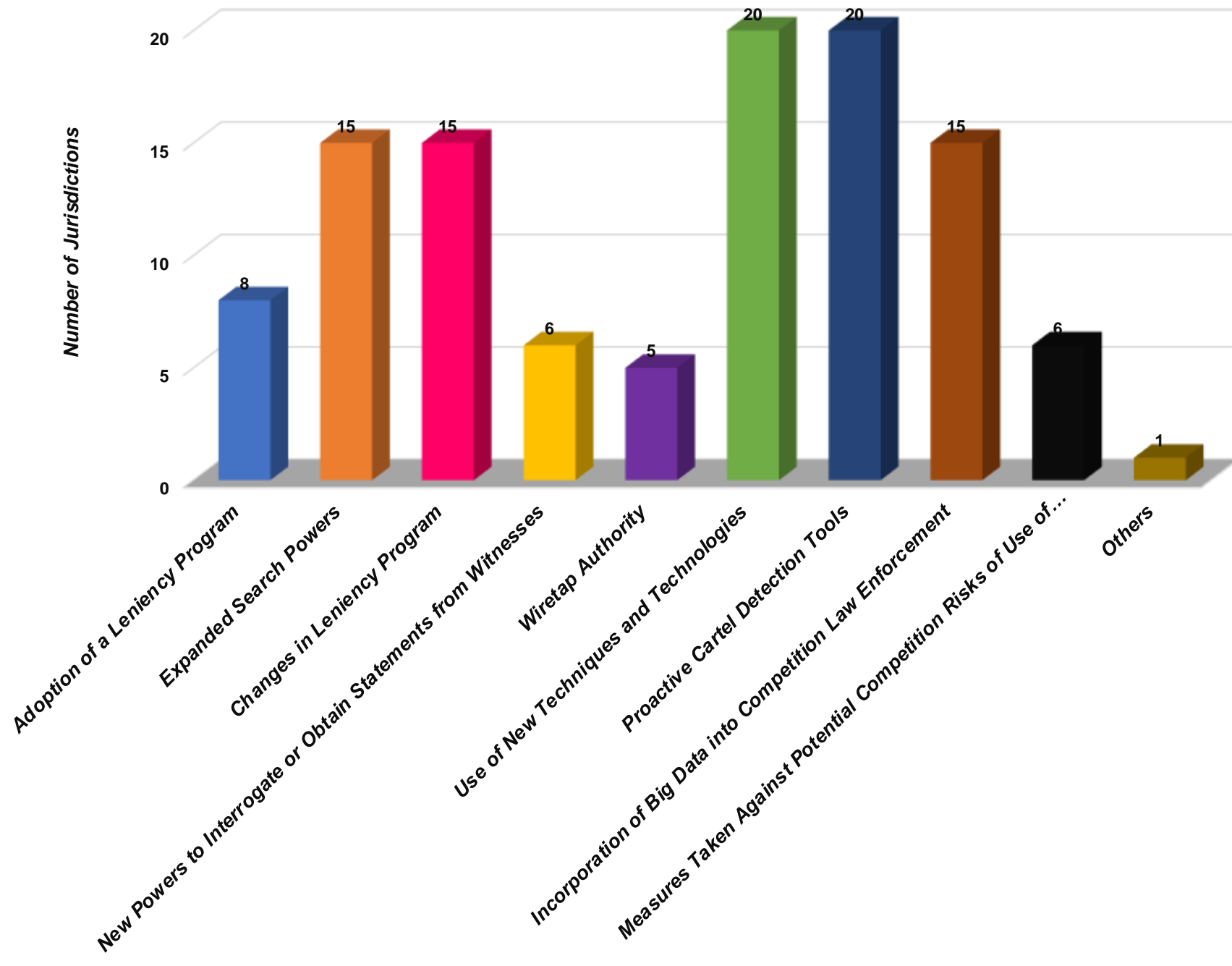
Changes in Competition Laws

What changes/developments in your competition law have taken place in your cartel enforcement program over the past 10 years? How have these changes/developments impacted your enforcement (improved, no effect, adverse effect)?

	Increased Penalties	Investigative Powers	Leniency Provisions	Institutional/Procedural Provisions	New Violation Provisions	Increased Statute of Limitations	Obstruction Provisions	Settlement Provisions	Remedial Provisions	Adoption of per se Standard	International Cooperation	Relationship between other Government Bodies	Private Enforcement of Competition Law	Digital Evidence Gathering	Others
Australia	X										X	X			
Austria	X	X	X	X		X	X	X			X	X	X	X	
Belgium	X			X	X						X		X		
Bulgaria															
Brazil	X	X	X	X				X					X		X
Canada	X		X							X	X	X		X	X
Chile	X		X	X			X			X		X	X		
Colombia	X	X		X	X							X			
Croatia		X	X								X		X	X	
Cyprus		X	X				X				X	X	X		
Czechia	X	X	X	X				X			X	X	X	X	
Denmark	X	X	X								X		X	X	
Dominican Republic				X							X	X		X	
EU			X								X	X	X	X	
Finland		X				X					X	X	X		
Germany	X	X	X	X			X				X		X	X	
Hong Kong	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

	Increased Penalties	Investigative powers	Leniency Provisions	Institutional/ Procedural Provisions	New Violation Provisions	Increased Statute of Limitations	Obstruction Provisions	Settlement Provisions	Remedial Provisions	Adoption of per se Standard	International Cooperation	Relationship between other Government Bodies	Private Enforcement of Competition Law	Digital Evidence Gathering	Others
Hungary	X	X	X	X		X	X	X	X		X	X	X	X	X
Ireland		X	X	X		X	X				X	X	X	X	
Israel	X	X		X	X	X	X			X		X	X	X	
Italy												X	X		
Japan	X	X	X	X		X	X		X		X			X	
Mexico	X	X	X	X	X	X	X		X		X	X	X	X	
Poland	X	X	X	X	X	X	X	X	X			X	X	X	
Russia	X	X	X	X	X	X		X		X	X	X	X	X	
South Africa				X	X				X						
Spain	X	X		X	X		X	X			X		X	X	
Sweden		X	X	X			X				X				
Turkey		X						X	X		X	X		X	
US										X	X	X	X		X
TOTAL	18	20	18	19	9	10	13	9	7	6	22	20	21	18	4

CREATION OF NEW INVESTIGATIVE POWERS



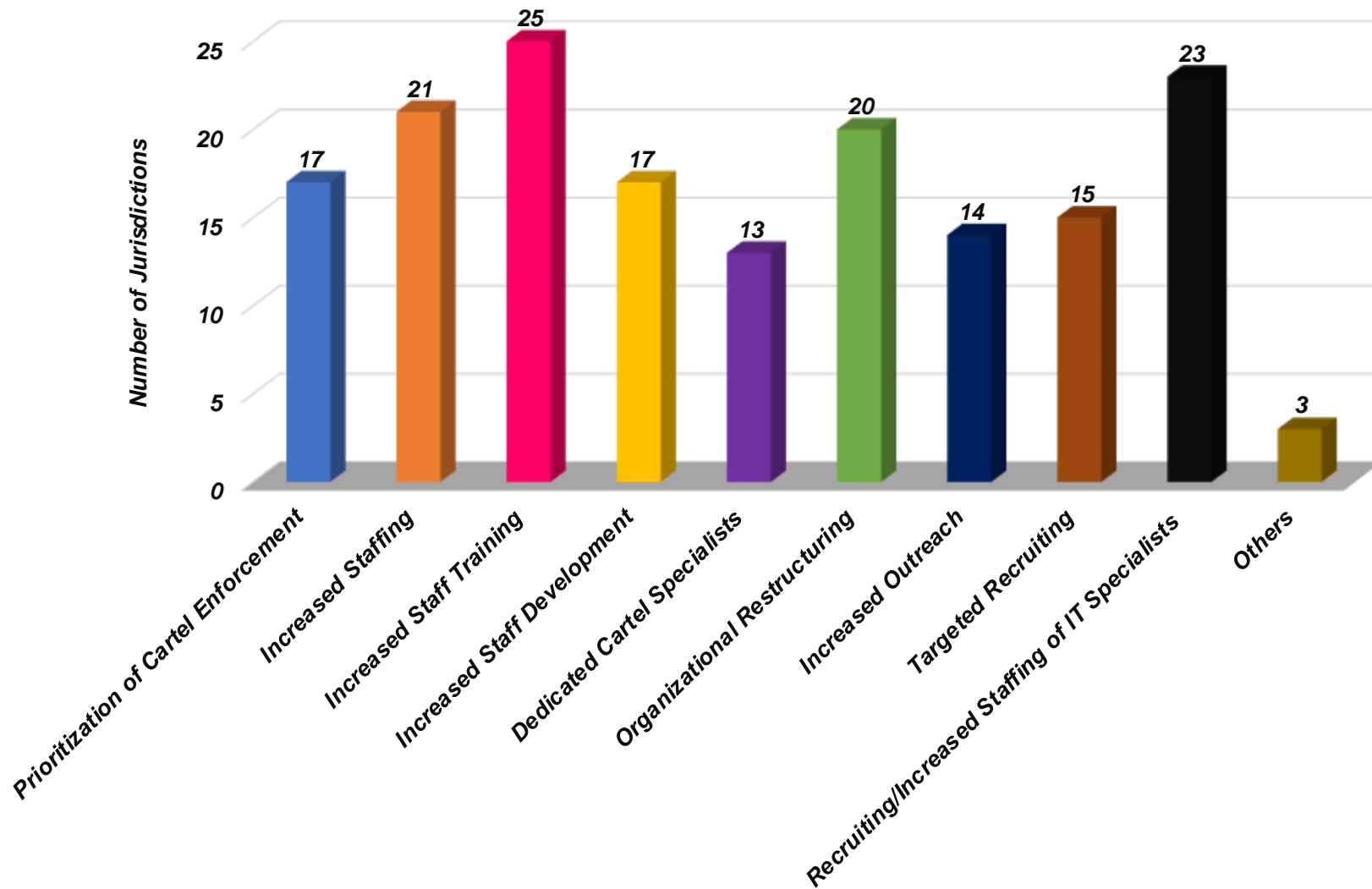
Creation of New Investigative Powers

What changes/developments have taken place in your competition law over the last 10 years, with respect to the creation of new investigative powers that have advanced your cartel enforcement efforts? In which ways and to what extent have these empowered your anti-cartel enforcement program?

	Adoption of a Leniency Program	Expanded Search Powers	Changes in Leniency Program	New Powers to Interrogate or Obtain Statements from Witnesses	Wiretap Authority	Use of New Techniques and Technologies	Proactive Cartel Detection Tools	Incorporation of Big Data into Competition Law Enforcement	Measures Taken Against Potential Competition Risks of Use of Algorithms by Undertakings	Others
Australia					X					
Austria		X	X			X		X		
Belgium						X		X		
Bulgaria	X						X			
Brazil		X	X			X	X	X		
Canada						X	X			
Chile			X			X	X	X		
Colombia						X	X	X		
Croatia	X		X							
Cyprus	X			X			X			
Czechia	X	X				X	X			
Denmark		X	X		X	X	X	X	X	
Dominican Republic						X	X			

	Adoption of a Leniency Program	Expanded Search Powers	Changes in Leniency Program	New Powers to Interrogate or Obtain Statements from Witnesses	Wiretap Authority	Use of New Techniques and Technologies	Proactive Cartel Detection Tools	Incorporation of Big Data into Competition Law Enforcement	Measures Taken Against Potential Competition Risks of Use of Algorithms by Undertakings	Others
EU		X				X	X	X	X	
Finland										
Germany		X	X	X		X	X	X	X	
Hong Kong	X	X	X	X		X	X	X		
Hungary	X	X	X	X		X	X			
Ireland		X								
Israel					X	X	X	X		
Italy		X	X			X	X	X	X	
Japan		X	X							
Mexico		X	X	X		X	X	X		
Poland	X	X	X		X	X	X	X		X
Russia	X		X		X	X	X	X	X	
South Africa										
Spain			X	X		X	X	X		
Sweden		X	X							
Turkey		X				X				
US							X		X	
TOTAL	8	15	15	6	5	20	20	15	6	1

INSTITUTIONAL CHANGES IN ANTI-CARTEL ENFORCEMENT



Institutional Changes in Anti-Cartel Enforcement

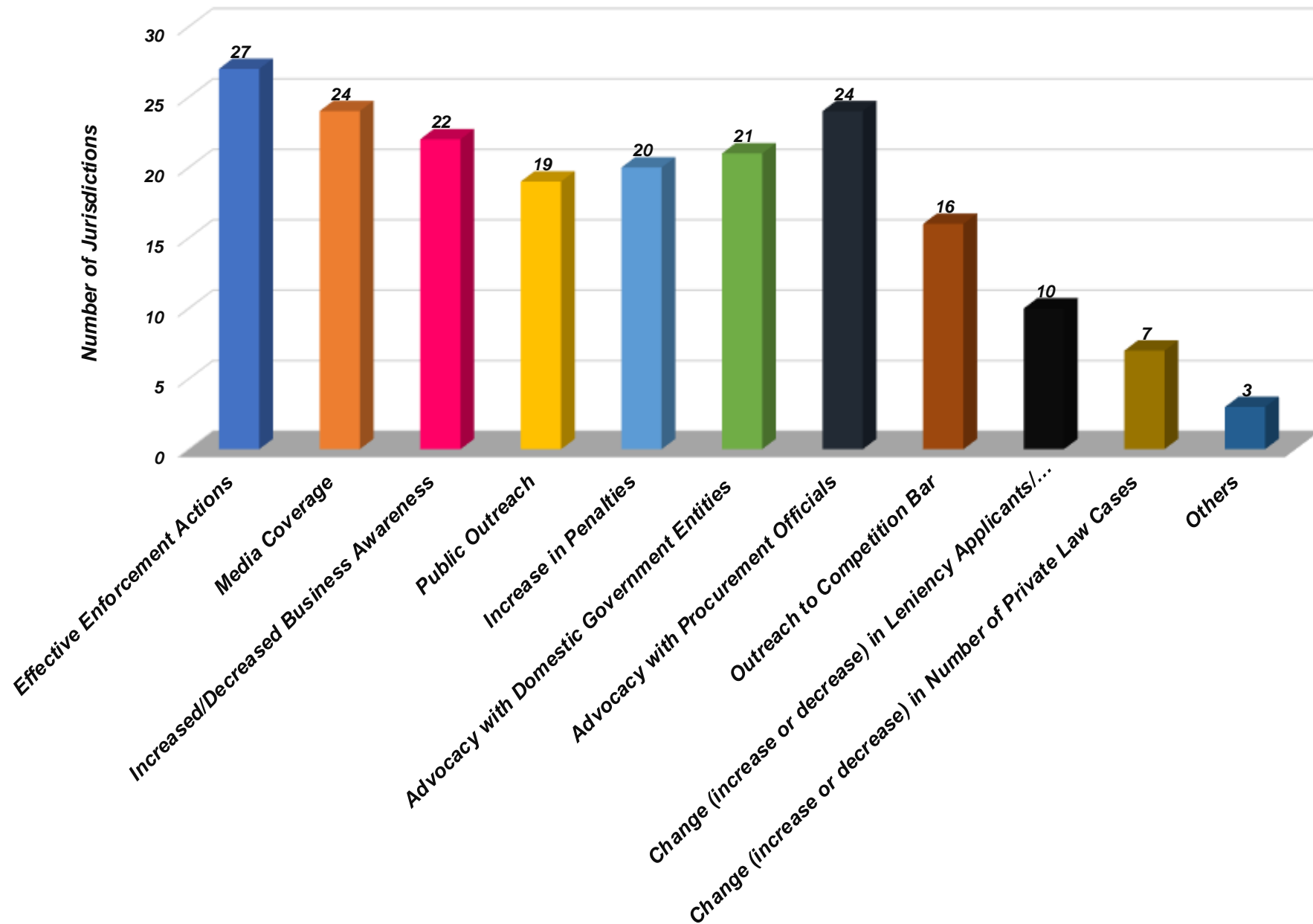
What major institutional changes/developments have been implemented in your agency over the last 10 years?

How have these changes/development impacted your cartel enforcement program over the last 10 years?

	Prioritization of Cartel Enforcement	Increased Staffing	Increased Staff Training	Increased Staff Development	Dedicated Cartel Specialists	Organizational Restructuring	Increased Outreach	Targeted Recruiting	Recruiting/ Increased Staffing of IT Specialists	Others
Australia	X	X	X		X	X	X	X	X	
Austria		X	X	X	X	X		X	X	
Belgium		X		X				X	X	
Bulgaria	X						X			
Brazil	X	X	X			X			X	
Canada			X	X		X		X	X	
Chile	X	X	X		X	X	X	X	X	
Colombia	X		X	X		X	X	X	X	
Croatia			X							
Cyprus	X	X				X	X			
Czechia		X	X	X	X	X			X	
Denmark	X	X	X	X	X	X	X	X	X	
Dominican Republic			X			X				
EU	X	X	X		X			X	X	
Finland		X	X	X	X		X		X	

	Prioritization of Cartel Enforcement	Increased Staffing	Increased Staff Training	Increased Staff Development	Dedicated Cartel Specialists	Organizational Restructuring	Increased Outreach	Targeted Recruiting	Recruiting/ Increased Staffing of IT Specialists	Others
Germany	X	X	X	X	X	X			X	
Hong Kong	X	X	X	X	X	X	X	X	X	
Hungary	X		X	X	X	X			X	X
Ireland	X	X	X	X	X	X	X	X	X	X
Israel		X	X	X			X	X	X	X
Italy	X		X				X		X	
Japan		X				X	X	X	X	
Mexico	X	X	X	X	X	X	X	X	X	
Poland		X	X			X			X	
Russia	X	X	X	X		X		X	X	
South Africa	X	X	X	X	X		X	X		
Spain	X	X	X							
Sweden						X				
Turkey		X	X	X					X	
US			X	X		X			X	
TOTAL	17	21	25	17	13	20	14	15	23	3

PERCEIVED IMPORTANCE OF CARTEL ENFORCEMENT



Perceived Importance of Cartel Enforcement

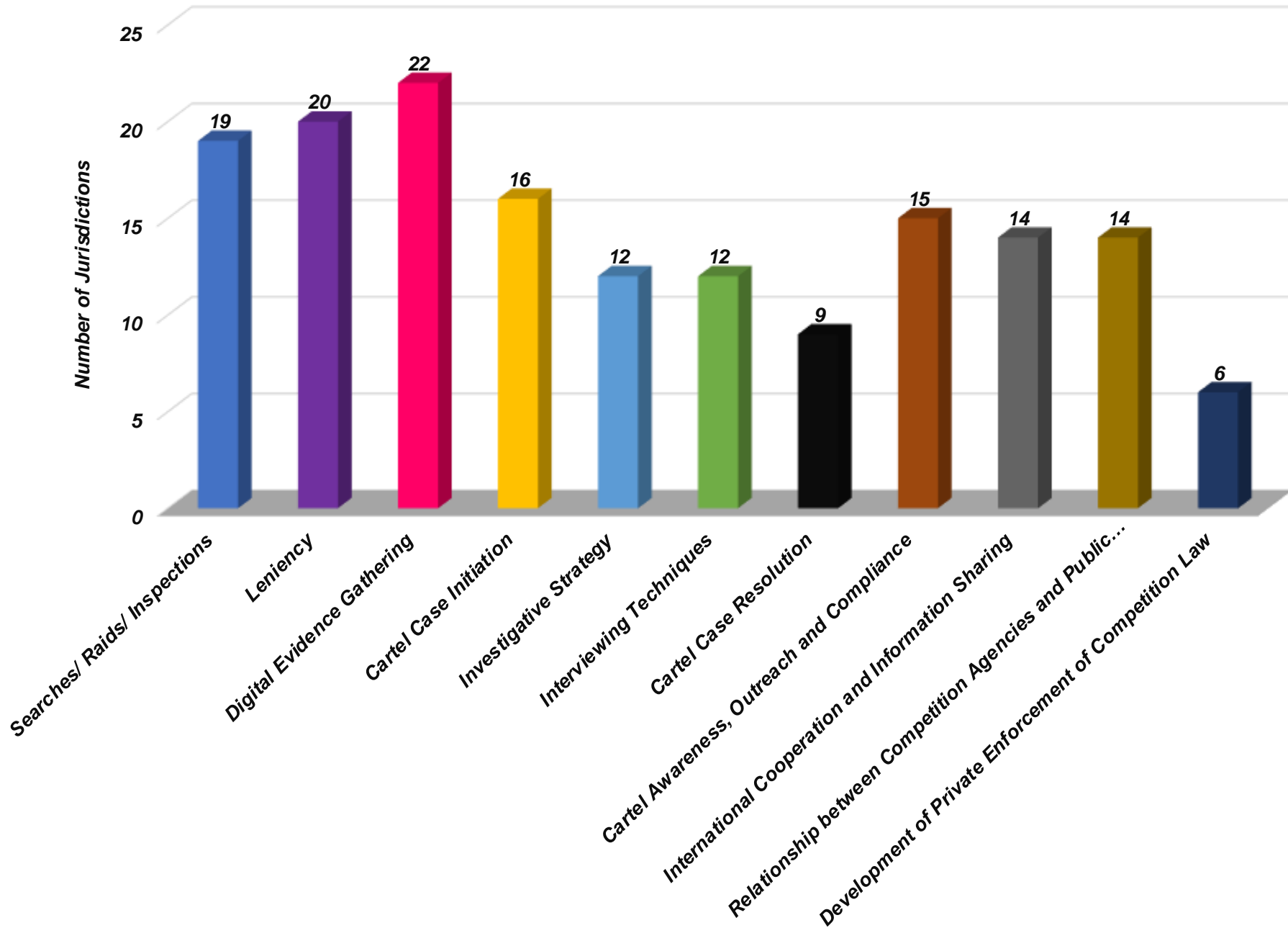
What factors have most significantly influenced the perception of cartel enforcement by the public, media, business community, defense bar or other government agencies in your jurisdiction?

In which ways and to what extent have the influence of these factors occurred?

	Effective Enforcement Actions	Media Coverage	Increased/ Decreased Business Awareness	Public Outreach	Increase in Penalties	Advocacy with Domestic Government Entities	Advocacy with Procurement Officials	Outreach to Competition Bar	Change (increase or decrease) in Leniency Applicants/ Complaints	Change (increase or decrease) in Number of Private Law Cases	Others
Australia	X	X	X	X	X	X	X	X			
Austria	X	X	X	X	X	X	X	X	X	X	
Belgium	X	X				X	X	X	X		
Bulgaria	X					X					
Brazil	X	X	X		X	X	X	X	X		
Canada		X	X			X	X				X
Chile	X	X			X	X	X	X	X	X	
Colombia	X	X	X				X				
Croatia	X					X	X		X		
Cyprus	X	X	X	X	X	X	X	X			
Czechia	X	X	X	X	X	X	X		X	X	
Denmark	X	X	X	X	X			X	X		
Dominican Republic											

	Effective Enforcement Actions	Media Coverage	Increased/ Decreased Business Awareness	Public Outreach	Increase in Penalties	Advocacy with Domestic Government Entities	Advocacy with Procurement Officials	Outreach to Competition Bar	Change (increase or decrease) in Leniency Applicants/ Complaints	Change (increase or decrease) in Number of Private Law Cases	Others
EU	X	X	X	X	X	X	X	X		X	
Finland	X	X		X		X	X				
Germany	X	X	X	X	X		X		X	X	
Hong Kong	X	X	X	X	X	X	X	X	X		
Hungary	X	X	X	X	X	X	X	X			
Ireland	X	X	X	X	X	X		X			
Israel	X	X	X	X	X	X	X	X		X	X
Italy	X		X		X		X				
Japan	X			X	X	X	X				
Mexico	X	X	X	X	X	X	X	X	X	X	
Poland	X	X	X				X				
Russia	X	X	X	X	X	X	X	X			
South Africa	X	X	X	X	X	X	X	X			
Spain	X	X	X	X	X		X				X
Sweden											
Turkey	X	X	X	X	X						
US	X	X	X	X		X	X	X			
TOTAL	27	24	22	19	20	21	24	16	10	7	3

ANTI-CARTEL ENFORCEMENT MANUAL



Anti-Cartel Enforcement Manual

Which chapters of the ICN's Anti-Cartel Enforcement Manual have you used to advance your cartel enforcement?

Could you give examples of how the Manual has been used (e.g., cases, policy, agency practices)?

	Searches/ Raids/ Inspections	Leniency	Digital Evidence Gathering	Cartel Case Initiation	Investigative Strategy	Interviewing Techniques	Cartel Case Resolution	Cartel Awareness, Outreach and Compliance	International Cooperation and Information Sharing	Relationship between Competition Agencies and Public Procurement Bodies	Development of Private Enforcement of Competition Law
Australia	X	X	X	X	X	X	X	X	X	X	
Austria	X	X	X			X			X		
Belgium								X			
Bulgaria											
Brazil		X									
Canada	X	X	X	X	X	X	X	X	X	X	X
Chile	X	X	X	X	X	X	X	X		X	
Colombia	X	X	X	X	X		X				
Croatia	X	X	X								
Cyprus	X		X	X		X		X		X	
Czechia	X	X	X	X	X	X	X	X	X	X	X
Denmark	X	X	X	X	X	X	X	X	X	X	X
Dominican Republic										X	
EU	X		X	X				X	X	X	X

	Searches/ Raids/ Inspections	Leniency	Digital Evidence Gathering	Cartel Case Initiation	Investigative Strategy	Interviewing Techniques	Cartel Case Resolution	Cartel Awareness, Outreach and Compliance	International Cooperation and Information Sharing	Relationship between Competition Agencies and Public Procurement Bodies	Development of Private Enforcement of Competition Law
Finland			X			X					
Germany	X	X	X	X				X	X		
Hong Kong	X	X								X	
Hungary		X	X	X	X	X	X	X	X	X	
Ireland		X	X	X				X			
Israel				X						X	
Italy	X	X	X					X	X	X	
Japan	X	X	X	X	X	X					
Mexico	X	X	X	X	X	X	X	X			
Poland			X								
Russia	X	X	X	X	X				X		X
South Africa	X	X			X	X	X	X	X	X	
Spain	X	X	X					X	X		
Sweden											
Turkey			X						X		
US	X	X	X	X	X				X	X	X
TOTAL	19	20	22	16	12	12	9	15	14	14	6

**TRENDS AND DEVELOPMENT IN CARTEL ENFORCEMENT 2010-2020:
SUPPLEMENTAL EXCERPTS FROM SURVEYED COMPETITION
AUTHORITIES**

A. SIGNIFICANT CHANGES IN COMPETITION LAW IMPACTING CARTEL ENFORCEMENT

I. INCREASED PENALTIES

Competition Authority	Supplemental Excerpts
Australia	<p>In 2009, the Australian Parliament amended the Trade Practices Act 1974 (now the Competition and Consumer Act 2010 (CCA)) and criminalised cartels. The CCA came into effect on 1 January 2010.</p> <p>Under the CCA, corporations can face a fine or pecuniary penalty for each criminal cartel offence or civil contravention of up to (the greater of):</p> <ul style="list-style-type: none"> • \$10 000 000 • Three times the total value of the benefits obtained by one or more persons that are reasonably attributable to the offence or contravention where benefits cannot be fully determined • 10 per cent of the annual turnover of the company (including related corporate bodies) in the preceding 12 months. <p>Since the criminal cartel provisions came into force, the ACCC has now concluded three successful criminal prosecutions, with fines approaching A\$60 million and an 8 month suspended sentence for an executive who obstructed a cartel investigation. Criminal charges have been laid in five further matters. Australia anticipates judgement in one of these matters and for several others to go to trial within the next two years. In addition, the ACCC has concluded civil penalty proceedings in a further 19 matters, resulting in civil penalties of A\$147 million.</p>
Austria	<p>Although the legal provisions on penalties for competition law infringements remained widely unchanged (see § 29 Austrian Cartel Act), the Cartel Court increased the amount of penalties awarded for infringements.</p>
Belgium	<p>Cap based on worldwide turnover (previously turnover in Belgium + exports)</p>
Brazil	<p>Federal Law 12529/2011 turned the alternative penalty for violations of Federal Law 8137/1990 into a penalty to be added to incarceration. Thus, the minimum sentence became two years and a fine, and cartel crimes are no longer lightly punished with measures such as diversion programmes, where one can avoid a criminal lawsuit by fulfilling certain obligations. The diversion programme is provided for in Article 89 of Law 9099/1995.</p>

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Canada	<p>On March 12, 2009, the Parliament of Canada passed amendments to the conspiracy provisions of the <i>Competition Act</i> [CCU] (the “Act”), which came into force on March 12, 2010. The maximum fine increased from \$10 to \$25 million per count. The maximum term of imprisonment increased from five to 14 years.</p> <p>Impact: Improved</p>
Chile	<p>The Chilean competition law was amended in 2009, increasing the maximum cap for fines from approximately 16 million USD to roughly 25 million USD.</p> <p>In August 2016 our competition law was amended again. Regarding cartels, the fixed maximum cap for fines was removed and replaced by fines of up to 30% of the Chilean turnover of the undertaking in the line of commerce involved, for the whole period of the misconduct, or twice the gains obtained from it. If neither can be determined, fines can go up to 60 million USD. The same amendment criminalized cartels, establishing prison sentences from 3 to 10 years. The reform also included the possibility of disqualifying those involved in the misconduct from being directors or high executives in publicly traded or state companies.</p>
Czech	<p>Enforcement improved, development of stricter methodology for imposing fines, gradual increase of amount of fines in recent years, introduction of new sanction in a form of a ban on participation in public procurement</p>
Denmark	<p>Great increase of the level for fines and the introduction of imprisonment.</p> <p>This has raised the preventive effect and has led to an increase of the number of leniency applications.</p>
Germany	<p>The Bundeskartellamt has always given high priority to the prosecution and punishment of illegal agreements. With the introduction of several measures over the last 20 years (e.g. leniency program in 2000, establishment of a Special Unit for Combating Cartels in 2002, of several divisions for hardcore cartels between 2005 and 2011 and of an IT Forensic Unit in 2009) the authority was able to further improve the effectiveness of its cartel prosecution. Therefore, the last ten years were not so much marked by creation of new powers in this respect but rather by an increase of the effectiveness of the existing powers.</p> <p>In 2005 German competition law (Act against Restraints of Competition, “GWB”) was amended and introduced fines up to 10 % of the total annual turnover of the undertaking (i.e. whole economic unit) as in EU competition law.</p>

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	<p>Until 2017 only the legal entity whose immediate management violated the law could be fined in Germany. This caused severe legal gaps as fines imposed against cartelists became invalid due to internal restructuring measures. The new 9th amendment of German competition law stipulated the liability of the parent company (i.e. intermediate + ultimate parent companies) as well the liability of the legal and economic successor where appropriate as in EU competition law.</p> <p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act).</p> <p>While a key element of the amendment is the modernisation of abuse control, the amendment also served the implementation of the ECN Plus Directive into national law. The implementation of this directive will strengthen the effectiveness of cartel prosecution. In line with the system in place at EU level, companies and their employees will be required in future to cooperate to a certain extent in establishing the facts of a case. The amendment also includes several new provisions regarding administrative fines. These new rules will apply to fines imposed on associations of companies.</p>
Hong Kong	<p>10 years ago – Competition Ordinance (Cap. 619 of Hong Kong Legislation, “CO”) was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Under section 93(3) of CO, the pecuniary penalty for conduct which constitutes a single contravention may not exceed 10% of the turnover of the undertaking obtained in Hong Kong for each year of contravention, up to a maximum of three years. The Competition Commission of Hong Kong (“CC”) issued Policy on Recommended Pecuniary Penalties in June of 2020.</p>
Hungary	<p>In 2012 and then in 2017 the Hungarian Competition Authority (hereinafter ‘GVH’) has adopted a new Fine Setting Notice, which specifies the manners of the imposition of fines. Due to the revision of the Fine Setting Notice - according to European trends - the GVH aimed to provide more space for the deterrent effect through fining those cartels, which are seriously harming competition.</p> <p>Moreover, the GVH has further broadened the range of circumstances that may result in fines being significantly reduced and even eliminated entirely for undertakings cooperating in competition supervision procedures, thereby the GVH aims to incentivise undertakings to remedy the harm caused to consumers as</p>

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	a result of competition law infringements and to operate compliance programmes by reducing the fines imposed upon them.
Ireland	<p>For infringing sections 4 and 5 of the Competition Act 2002 ('the 2002 Act'): 1. Prison sentence: increased to ten years (up from 5 years), the maximum prison sentence for an individual convicted on indictment of a hardcore competition or cartel offence 2. Fines: on summary conviction a fine of up to €5,000 (up from €3,000), or, on conviction on indictment, to a fine of up to €5m (up from €4m) or 10% of worldwide turnover, whichever is the greater.</p> <p>Competition (Amendment) Act 2012. The increases have not really impacted enforcement as the standard of proof to be achieved in a criminal trial remains "beyond reasonable doubt" and the Court sentences imposed in such cases remained rather low.</p>
Israel	<p>A 2019 amendment set the maximum prison term for restrictive arrangements (primarily cartel offenses) at 5 years without necessity of proving aggravating circumstances (previously, if aggravating circumstances had not been proven, the maximum prison term had been 3 years).</p> <p>Removal of the necessity to prove aggravating circumstances simplified cartel investigations and prosecutions, as some court decisions had interpreted the aggravating circumstances requirement as demanding economic evidence and analysis. See also below on Statute of Limitations and Wiretapping Authority.</p>
Japan	<p>The 2019 amendment to the Antimonopoly Act expanded the basis of calculation of surcharges, and extended the calculation period etc.</p> <p>The part above in the amended act came into force on December 25, 2020 and there has been no case which it has applied to so far as of December 28, 2020. It is expected that it will make a positive impact on future cartel enforcement by the JFTC.</p>
Mexico	Over the last ten years the most important changes regarding penalties in cartel enforcements were introduced in 2011, 2012 and 2014. In 2011:

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- The sanctions for cartel infringements were substantially elevated to the 10% of the company's revenue. Before 2011, the fine had a cap of approximately 90 million Mexican pesos (roughly 4 million US dollars).
 - Cartels became a criminal offense, punishable with three to ten years in prison. Before 2011, collusion was only sanctioned with a monetary administrative fine. However, the Commission has only the powers to sanction administrative cases as an autonomous agency, without independent prosecutors and it may not hand down criminal sanctions. In this regard, the Commission must turn over the cases to the General Prosecutors office.
 - The personal fines for those involved in a collusive conduct increased in over 566% to approximately 12 million Mexican pesos (roughly 6 hundred thousand US dollars).
 - The fines for anyone who helped, incited or enabled a cartel increased in moreover 542% to approximately 11 million Mexican pesos (roughly 5 hundred thousand US).
- In 2012 a significant amendment was made to the Competition Law, for the first time the possibility to seek damages from third parties affected by the conduct is possible.
- In 2013, with a constitutional reform COFECE was created as an autonomous body, consequently in 2014 a new Federal Economic Competition Law brought many changes regarding cartel enforcement, specifically regarding its penalties:
- Information exchange between competitors with the object or effect of price fixing, market allocation, output restrictions, or bid rigging becomes punishable per se as a cartel infringement.
 - A new penalty was implemented regarding disqualification. Since 2014 anyone who is involved in a cartel faces a disqualification of five years to perform as advisor, administrator, chief officer, director, manager, agent or representative of any company.
 - The minimal criminal sanction for cartels was increased from three to five years in prison.

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	<p>These changes have increasingly improved COFECE's cartel enforcement over the last ten years, having a more powerful and deterrent sanctions, building a solid foundation for the Mexican competition authority.</p>
Poland	<p>Penalties for undertakings in our jurisdiction did not increase. However, administrative penalties (fines) for managers taking part in collusive agreements were introduced in 2014 (effective since 2015).</p>
Russia	<p>Yes, over the past 10 years, changes have been made to the Code of Administrative Offenses of the Russian Federation and the Criminal Code of the Russian Federation in terms of determining legal liability for anti-competitive agreements.</p> <p>In terms of administrative responsibility, Federal Law No. 74 as of April 17, 2017 amended the Code of Administrative Offenses of the Russian Federation to toughen the liability of officials and legal entities: the size of the administrative fine and the period of disqualification for officials were increased; the limits of appointment of an administrative fine for legal entities have been increased; differentiation of administrative responsibility for cartels, illegal coordination of economic activity, vertical agreements, etc. was established. The changes also affected the procedure for calculating the fine.</p> <p>In terms of criminal liability, Article 178 of the Criminal Code of the Russian Federation (Restriction of Competition) was supplemented with such types of punishment as forced labor with the deprivation of the right to hold certain positions or engage in certain activities (Federal Law dated 17.12.2011 No. 420-FZ).</p> <p>These changes, among other things, are aimed at establishing legal liability proportionate to the offenses / crimes committed.</p>
Spain	<p>Penalising natural persons is not a new subject in the Competition Act 15/2007, 3 July 2007, although the fact is that the effective use of the Article 63.2, which provides for a penalty on natural persons to €60,000, was very limited, with natural persons being sanctioned on few occasions. However, it was following the ruling handed down by the Supreme Court on 29th January 2015, urging the active application of Article 63.2 as a mechanism to increase the dissuasive power of competition authorities' actions against anti-</p>

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	competitive conduct, that the CNMC considered penalising natural persons which are members of the governing bodies of the offending undertakings. Following this 2015 Supreme Court ruling, the CNMC has imposed penalties on natural persons in eight cartel cases during the period 2016-2020.
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II.INVESTIGATIVE POWERS

Competition Authority	Supplemental Excerpts
Austria	Introduction of an online whistle-blowing platform in 2017.
Brazil	The General Superintendence carries out on-site searches and seizures at investigated companies under Article 13(6) of Federal Law 12529/2011. The principle of sanctity of the home is strong in Brazil; the only exceptions are when a warrant is granted or the offender is caught in the act. The measure is rarely applied, as it depends on the inspected person's consent.
Colombia	<p>The Decree 4886 of 2011 modified the structure of the Superintendence of Industry and Commerce (hereafter, SIC) and the functions of its divisions. Article 9 provides for the 22 functions to be performed by the Deputy Superintendence for Competition Protection.</p> <p>Article 1, paragraphs 62, 63 and 64, expressly grant the Authority the powers of inspection for the development of the administrative proceedings. These provisions provide that the SIC, without any court warrant, has the faculty to request information; practice all type of searches and/or dawn raids, including emails, computers, or any electronic device; receive testimonies under oath; among others.</p> <p>These investigative powers and tools have an unequivocal positive impact on cartel detection and further enforcement by the SIC.</p>
Croatia	With July 1st 2013. Croatia became a member of European union and new (extended) legal provisions concerning conduct of dawn raids, police officers help, and application of Article 101. TFEU were implemented in Croatian competition law and came into force; enforcement improved
Cyprus	<p>New Article in national Competition Law (Article 30(A))</p> <p>Power to conduct interviews during a dawn raid / Helps in the collection of information</p>
Czech	Enforcement improved, there is an obligation for representatives of the undertakings to be present during the inspection and cooperate with the inspectors during dawn raids (based on case law)

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Denmark	Expanded time frame (from 25 days to 40 days) for searching electronic material. Has led to better and thorough investigation.
Finland	There was a clarification in 2015 to ensure inspectors are able to access documents and data also when these are stored or processed by an external service provider on behalf of the undertaking targeted.
Germany	<p>With the introduction of several measures over the last 20 years (e.g. establishment of a Special Unit for Combating Cartels in 2002, of several divisions for hardcore cartels between 2005 and 2011 and of an IT Forensic Unit in 2009) the authority was able to further improve the effectiveness of its cartel prosecution. Therefore, the last ten years were not so much marked by creation of new powers in this respect but rather by an increase of the effectiveness of the existing powers.</p> <p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act).</p> <p>While a key element of the amendment is the modernisation of abuse control, the amendment also strengthens the competition authorities’ position in judicial proceedings concerning administrative fines. Even after an objection has been filed against a fining decision, the Bundeskartellamt will remain the competent enforcement authority (not the General Prosecutor’s Office as has previously been the case) and will in future have the same rights in these proceedings as the public prosecutor’s office.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Under section 41 of CO, CC may issue written notices to a person, requiring the provision of documents or specified information which relate to any matter it reasonably believes to be relevant to an investigation. Under section 42(1) of CO, CC may require any person to appear before it, at a specified time and place, to answer questions relating to any matter CC reasonably believes to be relevant to an investigation. Under section 48 of CO, CC may apply to a judge of the Court of First Instance for permission to enter and search any premises to obtain documents, information and other items relevant to its investigation. With a view to transparent procedures, the CC has set out the process it will generally undertake to investigate suspected anti-competitive behaviour in the Guideline on Investigations, which explains:</p>

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	<ul style="list-style-type: none"> • The main steps in a Commission investigation. • The procedures the Commission will follow in undertaking investigations. • Possible outcomes of an investigation.
Hungary	<p>The GVH has relatively broad investigative powers, e.g., request for information, hearing, unannounced inspection ('dawn raid'). The transposition of ECN+ Directive brought about further changes, such as the GVH has the ability to consider covert recordings made by natural or legal persons, which are not public authorities, provided those recordings are not the sole source of evidence.</p> <p>Furthermore, on the summons of the case handler or the competition council proceeding in the case, the parties shall be obliged to disclose the data necessary for the clarification of the facts of the case and for the successful completion of the proceedings, in the case of electronic data, regardless of the place and method of data storage, including personal data and —unless precluded by the act of law governing the protection of the data concerned —privileged information as well. The changes brought about by the ECN+ Directive provide the GVH with the power to obtain all information related to the undertaking subject to the investigation at the early stages of the proceeding, including data obtained forensically, irrespective of the medium on which the information is stored, such as on laptops, mobile phones, other mobile devices or cloud storage, which increases the effectiveness of competition law enforcement in order to meet the enforcement challenges of the digital environment.</p>
Ireland	<p>An Garda Síochána, the Irish National Police, may invite authorised officers of the CCPC to attend arrest interviews.</p> <p>Competition and Consumer Protection Act 2014 ('the 2014 Act').</p>
Israel	<p>ICA investigators were given (for the time being, on a temporary basis) authority to investigate a variety of offenses (including fraud, bribery, forgery and money-laundering). In addition, ICA investigators are authorized to investigate offenses under the new Law for the Advancement of Competition in the Food Industry.</p> <p>In appropriate cases, ICA investigations include fraud, money-laundering and other offenses. In money-laundering investigations, suspects' assets are seized for eventual forfeiture</p>

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Japan	<p>The 2019 amendment to the Antimonopoly Act introduced procedures for gathering electronic record in the investigation of criminal cases.</p> <p>The part above in the amended act came into force on January 1, 2020 and gathering electronic record in the criminal cases in a timely and accurate manner became possible.</p>
Mexico	<p>Important changes have taken place in the Mexican antitrust legislation regarding the Commission's investigative powers. The investigative tools that the Commission has at its disposal remain the same from 2010 to 2020, however there have been some changes in the depth of these tools, especially on-site inspections. Particularly in 2011:</p> <ul style="list-style-type: none"> - The power to perform unannounced on-site inspections, the Anti-Cartel Unit was granted the powers to conduct on-site inspections without the need to have previous contact with the undertakings involved. - It is now possible to use electronic search devices using IT Forensics tools in on-site inspections. <p>These changes were updated in 2014:</p> <ul style="list-style-type: none"> - The Commission's powers in on-site inspections increase as it now has the possibility to conduct on-site interviews or to request information.
Poland	<p>In 2019, the constitutional court in our jurisdiction concluded that a provision of our competition act according to which court warrants authorising dawn raids were not subject to appeals was unconstitutional. In consequence, all search warrants can now be appealed. We consider this development to be negative, however its practical impact on our practice so far has been limited. Nevertheless, we expect that this development will likely lead to more litigation in a foreseeable future and more difficulties in obtaining reasonably drafted (i.e. providing enough leeway to properly and effectively execute a search) search warrants.</p>
Russia	<p>The FAS Russia has fairly broad powers to identify and prove cartels (anti-competitive agreements). The FAS Russia today has the right to receive documents (information), including those containing secrets protected by law, from commercial organizations, non-commercial organizations, federal executive authorities, state authorities of the constituent entities of the Russian Federation, etc.; to conduct scheduled inspections and nonscheduled dawn raids with the right to inspect territories, premises, documents and</p>

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	<p>items of a person, copy documents (information), including in electronic form, request documents (information) during an inspection; to obtain documents from law enforcement agencies; and so on</p> <p>In 2009, provisions were introduced that regulate the procedure and powers for conducting scheduled inspections and nonscheduled dawn raids. Conducting nonscheduled dawn raids without notifying the inspected person (changes made to Article 25.1 of the Law on Protection of Competition in 2011).</p> <p>It should be noted that over the past 10 years, there have been no significant changes in the existing powers of the FAS Russia.</p>
Spain	To reinforce cartel detection, an anonymous whistle-blowing mailbox was created in 2014.
Sweden	ECN+ (will be implemented March 1, 2021) will bring some change. E.g. it will be possible to conduct a dawn raid in order to investigate a suspicion that a company has breached an order or a voluntary commitment to terminate an infringement, or a suspicion that a company has breached to general duty to cooperate with the competition authority's investigation. (Before the implementation, dawn raid has not been a possible tool for investigating those infringement suspicions.)
Turkey	Although TCA has been using digital evidence increasingly in the past, in 2020 there have been an amendment in the Law on Protection of Competition No. 4054 which clarifies its power. Moreover, it issued a Guideline specifically regarding digital evidence acquisition process.

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III. LENIENCY PROVISIONS

Competition Authority	Supplemental Excerpts
Austria	Minor clarifications and updates published in the Handbook on Leniency on the Federal Competition Authority's website.
Brazil	<p>The new Law also modified the Brazilian leniency programme. It eliminated the previous rule that leniency is not available to the “leader” of a cartel. Furthermore, leniency protection now explicitly extends to the criminal conduct related to the practice. The former law only referred to the crime of cartelisation, while now related crimes such as conspiracy or bid rigging are also expressly covered by leniency agreements. Regarding the criminal prosecution of individuals, the new Law establishes that violators are subject to both (rather than either) fines and imprisonment, which in practice increases the penalty of the former law, which comprised fines or prison time, alternatively according to the severeness of the violation.</p> <p>These developments significantly increased the number of leniency applications.</p> <p>Between 2003 and 2011, 23 agreements were executed, while from 2012 to 2020 there were 78.</p>
Canada	<p>Please note: In Canada, we use the term “immunity” to mean full immunity from prosecution, which may be provided to the first party either to disclose to the Competition Bureau (“Bureau”) an offence pursuant to the Act that it has not yet detected, or to provide evidence leading to a case referral to the Public Prosecution Service of Canada (“PPSC”). We use the term “leniency” to refer to lenient treatment upon sentencing for subsequent qualifying applicants who are required to plead guilty under the program.</p> <p>In September 2010, the Bureau published its Leniency Program Bulletin and a comprehensive set of Frequently Asked Questions (“FAQs”). The Bulletin outlined the factors that the Bureau considered when making sentencing recommendations to the PPSC and the process for seeking a recommendation for a lenient sentence in a criminal cartel case.</p> <p>Impact: Improved</p>

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In September 2013, the Bureau published revised sets of FAQs related to its Immunity and Leniency Programs. The updated FAQs provided additional guidance to market participants and addressed topics, such as, how the Bureau treats immunity and leniency markers in the context of investigations that it does not intend to pursue. The FAQs also expanded on and clarified existing topics, such as, the proffer process, indirect sales, and how the Bureau determines its fine recommendations. Impact: Improved

In September 2018, the Bureau launched a revised Immunity and Leniency Program, in collaboration with the PPSC. The updates enhance the ability of the Bureau and the PPSC to prepare cases for prosecution by requiring that applicants provide credible and reliable evidence earlier in the process.

The main changes to the Immunity Program

-Automatic coverage under a corporate immunity agreement for all directors, officers and employees will no longer be provided. Instead, individuals that require immunity will need to demonstrate their knowledge of or participation in the unlawful conduct and their willingness to cooperate with the Bureau's investigation.

-New Grant of Interim Immunity ("GII") stage. Under the GII, an applicant will receive a conditional form of immunity, subject to the applicant's obligations of continuing cooperation and compliance with the other requirements of the program. Final immunity will be provided when the applicant's cooperation and assistance is no longer required.

The main changes to the Leniency Program

-New cooperation credit structure. All leniency applicants will be eligible for a discount of up to 50%. The amount of discount available to an applicant will be based on the "value of its cooperation."

-The Bureau will consider an effective compliance program at the time the offence occurred to be a mitigating factor and will increase the cooperation credit accordingly.

Impact: The Bureau believes that these updates will result in improved enforcement. However, the defence bar claims that these changes have/will result in an adverse effect on enforcement by reducing leniency applications.

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	<p>In March 2019, the Bureau and the PPSC issued updated Immunity and Leniency Programs to clarify that participants in the programs are cooperating witnesses and not confidential informers.</p> <p>Impact: N/A (too early to tell)</p> <p>(please note that changes to the Immunity and Leniency Programs are changes to policy rather than law).</p>
Chile	<p>After the 2016 amendment, the first leniency applicant is now exempted from criminal responsibility. The second receives a reduced criminal sentence. There is no leniency available for subsequent applicants.</p>
Colombia	<p>Colombia's current Leniency Program was introduced into the Competition Protection Regime through the Law 1340 of 2009 and was further regulated by the Decree 1523 of 2015. It is different from the former leniency regime in as much as it strengthened the Leniency program's incentive system with, among others, an order of preference with clearly differentiated benefits for the applicants. Since the new regulation came into force the number of leniency applications has increased noticeably.</p> <p>Some of the relevant characteristics of the current leniency program are, for example, that it offers full or partial leniency to natural or legal persons who contribute to the detection and repression of anti-competitive agreements or other restrictive practices in which they acknowledge participation or contribution as market agents or facilitators. It has a clear marker system which provides certainty to potential applicants.</p> <p>The benefits for market agents and facilitators include to the applicant that is first in order the total exoneration of the fine to be imposed, to the second applicant a reduction between 30 to 50% of the sanction, depending on the utility of the information and evidence provided, to the third and the rest of the applicants, if that were the case, a reduction up to 25% of the sanction also depending on the utility of the information and evidence provided.</p>
Croatia	<p>Extended legal provisions (as in Council Regulation (EC) No 1/2003), enforcement improved</p>
Cyprus	<p>Leniency Program introduced in 2011</p>
Czech	<p>Enforcement improved, modernization of our leniency programs, higher number of leniency applications in recent years due to improved education of undertakings, the institute of leniency applications was incorporated into the Czech competition law</p>
Denmark	<p>Only minor adjustments</p>

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EU	<p>There are no changes as to the substance of the Commission’s leniency programme set out in the Notice of 2006; Reg. 773/2004 was modified in 2015 by Reg. 2015/1348 in order to reflect a number of key issues regarding the use of information submitted by leniency applicants by other parties, who got access to this information when getting access to the file.</p> <p>As to the leniency systems in place in the Member States, the ECN plus Directive was adopted on 11 December 2018 and leads to a high level of harmonization of the leniency rules in all 27 EU Member States, at the latest after its transposition by 4 February 2021.</p> <p>The Damages Directive establishes as a common rule in all Member States joint and several liability amongst parties to the same infringement towards the victims, whereas immunity applicants are in principle liable only for their own damages, with one exception.</p> <p>The Damages Directive protects leniency statements and settlement submissions from discovery.</p> <p>Similarly, the core principles of leniency and the protection of leniency statements and settlement submissions were upgraded to hard legislation with the adoption of Regulation 2015/1348, amending Regulation 773/2004 (the Regulation implementing Regulation 1(2003)).</p> <p>In addition, the concept of cartel is common to the Directives and Regulation 773/2004, as amended by Regulation 2015/1348 .</p>
Germany	<p>Already in 2000, the Bundeskartellamt introduced its leniency programme which was fundamentally revised in 2006. With the introduction of several measures over the last 20 years (e.g. establishment of a Special Unit for Combating Cartels in 2002, of several divisions for hardcore cartels between 2005 and 2011 and of an IT Forensic Unit in 2009) the authority was able to further improve the effectiveness of its cartel prosecution. Therefore, the last ten years were not so much marked by creation of new powers in this respect but rather by an increase of the effectiveness of the existing powers.</p> <p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act). The current Leniency Programme has been newly codified into the German Competition Act without substantial changes but will increase legal certainty.</p>
Hong Kong	10 years ago – CO was not enacted.

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	<p>By the end of 2020 – CO came into full effect on 14 December 2015. Section 80 of CO permits CC to agree not to seek any pecuniary penalty for any alleged contravention of a competition rule against a person in return for that person’s cooperation in an investigation or proceedings under the Ordinance. CC and the person will conclude a leniency agreement to this effect. CC issued the Leniency Policy for Undertakings Engaged in Cartel Conduct (issued in November 2015 and revised in April 2020) and the Leniency Policy for Individuals Involved in Cartel Conduct (issued in April 2020).</p>
Hungary	<p>Leniency provisions have changed significantly over the past 10 years. In connection with the new Criminal Code adopted by the Parliament in 2012, the most significant change was that the regulation of the competition restricting agreements in public procurement and concession procedures (Section 420 of the Criminal Code) were harmonized with the provisions of the Hungarian Competition Act regarding the leniency policy.</p> <p>In 2014 the Hungarian leniency policy was harmonised with the new ECN Model Leniency Programme revised in 2012. Due to the amendment of the Competition Act.</p> <p>Then the amendment of 2016, which entered into force in January 2017, extended the scope of the leniency policy.</p> <p>The transposition of the ECN+ Directive brought about further changes in the leniency rules, namely the conditions for granting immunity/leniency were clarified. Furthermore, it made it possible for applicants to submit request for marker in ongoing investigations. The amendment of 2012 enabled the party to foresee the criminal consequences when filing a leniency application, therefore it may increase the interest in filing leniency applications, which could lead to an increase in the number of cartels detected.</p> <p>Due to the amendment of 2016, the Hungarian leniency policy covers hard core vertical agreements and concerted practices aimed at directly or indirectly fixing purchase or sale prices (e.g., hub&spoke type of infringements).</p> <p>The changes brought about by the ECN+ increase legal certainty for potential applicants and may also encourage their incentives to apply for leniency.</p>
Ireland	<p>Although not statutory, the CCPC’s predecessor, the Competition Authority (TCA) and the Office of the Director of Public Prosecutions (DPP) introduced a Cartel Immunity Programme (CIP), offering immunity</p>

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	<p>from criminal prosecution to a first applicant to come forward with information in any cartel, in 2002, and the CIP was subsequently reviewed in 2014/15.</p> <p>A public consultation process was followed, with a relaunch of the revised CIP on the websites of both the CCPC (TCA at the time) and the DPP, to try and promote the programme further</p>
Japan	<p>The 2019 amendment to the Antimonopoly Act introduced a system which added the reduction rate according to the degree of the enterprise's cooperation for the JFTC's investigation to the reduction rate according to the order of application.</p> <p>The 2019 amendment to the Antimonopoly Act abolished the limit on the number of applicants to the leniency program.</p> <p>The part above in the amended act came into force on December 25, 2020.</p> <p>It is expected that it will make a positive impact on future cartel enforcement by the JFTC.</p>
Mexico	<p>The Leniency program was introduced in the Mexican legislation in 2006 with a reform to the Federal Economic Competition Law, followed by the first Guidelines regarding the leniency program published by the Commission in 2010, these Guidelines aimed to propel the program, both as an effort to bring clarity to the program and as an outreach tool.</p> <p>However, giving its limited success some important changes were made to the Program's Provisions in 2011:</p> <ul style="list-style-type: none"> - People (not only firms) and cartel enablers are now allowed to apply to the program. - Clear provisions regarding confidentiality are introduced, ensuring the protection of both the firm and/or the people involved in the practice. - Amended Leniency Guidelines are published in order to include the Commission's new investigative powers and the increased penalties. - Leniency applicants will now have criminal immunity. <p>In 2014, with the new competition law, some changes are made:</p>

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- The new Federal Economic Competition Commission (COFECE) has now two separated branches, the investigative one and the ruling one, in this sense, the board of Commissioners is no longer involved in granting conditional leniency, just approving final leniency at the end of the proceedings. The Investigative Authority will have complete independence in handling the leniency program in the investigation phase.
 - There are now two standards of cooperation, the applicant can provide enough information and documents to presume the existence of an unlawful conduct, or enough evidence to initiate an investigation satisfying the legal standard.
 - Now the leniency applicants can provide information related with the conduct and have also the possibility to provide enough information and documents to initiate an investigation complying with the legal standard.
 - With the new law, COFECE published an updated Leniency Guidelines in 2015.
- An effect of the Federal Economic Competition Law, being a general competition law, is that COFECE's Leniency Program may be subject to legal ambiguity. In order to clarify and provide greater certainty to the Program, in March 2020 COFECE published legally binding Leniency Provisions that bring certainty to the program, particularly regarding:
- Clear parameters regarding the scope of cooperation that needs to be fulfilled, both for the investigation and for the proceedings that follow (trial like procedure).
 - Specific scenarios that can be considered as a breach in cooperation, resulting in the termination of leniency application.
 - In the event of a revocation of a conditional leniency, the rest of the applicants will remain in the place determined by their markers.
 - People cooperating under the leniency program will not be subject to disqualification.
 - Strict and clear provisions regarding the confidentiality of applicants.

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	In order to publicize to the Program, Cofece published on January 2021 Leniency Guidelines intended to explain the Program's legal and binding provisions in a more accessible manner. It is important to note that said Guidelines are for informative purposes only.
Poland	In 2014 (effective since 2015) our leniency programme was revised in a number of ways – the major ones are discussed below. Firstly, the programme was changed in way which makes it harder for applicants to obtain immunity if we already have some substantial evidence at our disposal (which puts more pressure to file a leniency application before a dawn raid, rather than wait until we start an investigation). Secondly, leniency is now available to individuals (executives and managers), as their actions can be subject to administrative fines for cartelisation. Thirdly, leniency plus was introduced. So far, however, these changes did not bring the intended result of a significantly increased number of applications. Starting from late 2017 we observed a higher number of applications, including attempts being made to utilise leniency plus (however, in an unsatisfactory way).
Russia	<p>Changes to the Code of Administrative Offenses of the Russian Federation in 2011, 2015, 2017</p> <p>In 2011, changes were made to clarify the requirements for the statement of exemption from liability; the grounds on which siltation cannot be submitted are indicated.</p> <p>Note 5 has been introduced to the Code of Administrative Offenses of the Russian Federation, providing for the possibility of filing an application for the second and third surrender.</p> <p>In 2017, Notes 1 and 5 to Article 14.32 of the Code of Administrative Offenses of the Russian Federation were changed and supplemented. Note 5 is supplemented by a provision on the possibility of a group of persons reporting a violation, which was previously possible only for the first applicant.</p> <p>With the changes introduced, the popularity of the institution of leniency has increased. This is also confirmed by statistics.</p> <p>In 2011, within the framework of leniency program, about 11 applications were filed against 137 in 2019</p>
Spain	On June 2013 Communication on Leniency Programme, developing Articles 65 and 66 Competition Act 15/2007, 3 July 2007, was approved. This Communication seeks to contribute to enhancing the transparency and predictability of the Spanish Leniency Programme, taking into account the experience accumulated since the programme came into force in Spain in 2008, in particular, about issues such as

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	confidentiality and access to leniency applications, duty of leniency applicant to cooperate, the determination of the significant added value and so on.
Sweden	ECN+ (will be implemented March 1, 2021) will bring some change. E.g. one existing possibility for companies to be granted leniency will be removed in order to harmonize the national leniency provisions with EU law.

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IV.INSTITUTIONAL/PROCEDURAL PROVISIONS

Competition Authority	Supplemental Excerpts
Austria	Creation of specialized departments (legal department, litigation department) and establishment of a special advisor to the Director General.
Belgium	Minor changes
Brazil	Changes in the law modified CADE's procedural and institutional provisions: <ul style="list-style-type: none">- Procedural deadlines are no longer doubled for coparties with different attorneys.- When a respondent cannot be reached by mail, service of process by publishing it in a newspaper with wide circulation is no longer required.- Law 12529/2011 replaced the Preliminary Investigation, used when CADE lacked evidence to bring administrative proceedings, by the Administrative Enquiry;- Under special conditions, CADE can now disclose information with interested party when antitrust damages claims are filed with the authority.
Chile	Since cartels were criminalized in 2016, the civil/administrative procedure and the criminal procedure are consecutive. This means that the criminal investigation can only start once a civil/administrative violation has been determined by a final decision. The competition agency is entrusted with the decision of whether or not to refer the case to the criminal prosecutor.
Colombia	Decree 4886 of 2011, as was mentioned before.
Czech	There occurred adverse effect. There was newly introduced judicial review of unlawful intervention during the dawn raid, however this slows rapidly administrative proceedings + there also exists a risk of obstructions within proceedings
Dominican Republic	Recently, a regulation for the application of our Competition Law was published, and it establishes and clarifies some procedural matters.

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<p>Germany</p>	<p>With the introduction of several measures over the last 20 years (e.g. establishment of a Special Unit for Combating Cartels in 2002, of several divisions for hardcore cartels between 2005 and 2011 and of an IT Forensic Unit in 2009) the authority was able to further improve the effectiveness of its cartel prosecution. Therefore, the last ten years were not so much marked by creation of new powers in this respect but rather by an increase of the effectiveness of the existing powers.</p> <p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act).</p> <p>While a key element of the amendment is the modernisation of abuse control, the amendment also served the implementation of the ECN Plus Directive into national law. The implementation of this directive will strengthen the effectiveness of cartel prosecution. In line with the system in place at EU level, companies and their employees will be required in future to cooperate to a certain extent in establishing the facts of a case. Another important step is the fact that the amendment strengthens the competition authorities’ position in judicial proceedings concerning administrative fines. Even after an objection has been filed against a fining decision, the Bundeskartellamt will remain the competent enforcement authority (not the General Prosecutor’s Office as has previously been the case) and will in future have the same rights in these proceedings as the public prosecutor’s office.</p>
<p>Hong Kong</p>	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. CC is set up under Part 9 of CO to, among other things, investigate alleged cartel contravention. Competition Tribunal (“CT”) is set up under Part 10 of CO to, among other things, hear and determine applications made by CC with regard to alleged cartel contraventions. Under section 158 of CO, Competition Tribunal Rules (Cap. 619D of Hong Kong Legislation, “CTR”) is enacted to regulate and prescribe the practice and procedure to be followed in CT. As mentioned above, the Guideline on Investigations published by the CC sets out and explains the procedures the CC will follow in undertaking investigations.</p>
<p>Hungary</p>	<p>In 2018 significant legislative changes took place, in particular, concerning the elaboration of specific procedural rules for competition supervision proceedings. The rules on administrative proceedings, as set out in Act CL of 2016 on the Code of General Administrative Procedure and Act I of 2017 on the Code of</p>

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	<p>Administrative Court Procedure, were systematically reformed. This reform had an impact on the Hungarian Competition Act – Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices – as well as on other legal acts falling under the competence of the GVH such as Act XLVII of 2008 on the Prohibition of Unfair Business-to-Consumer Commercial Practices and Act CLXIV of 2005 on Trade. Consequently, comprehensive amendments had to be made to the procedural rules contained in the Hungarian Competition Act. The amendments entered into force in January 2018.</p> <p>The Act CVII of 2019 on bodies with special status and their employers, of which scope also extends to the GVH, was adopted in 2019 and is applicable from 2020. The Act brought about major changes in the law regarding the legal status of both the GVH and its employees. The Act replaces the former regulation under the Act CXCIX of 2011 on Civil Service Officials.</p> <p>The amendments further ensure the legitimate operation of public administration and the right of parties to a fair trial.</p>
Ireland	<p>Non-application of probation legislation to competition offences, making a guilty party liable for the Authority's costs a person convicted of a nonindictable competition law offence may now be disqualified from acting as a company director.</p> <p>Competition (Amendment) Act 2012. Probation of Offenders Act 1907</p>
Israel	<p>A recent amendment simplified the treatment of confidential intelligence materials; this amendment expressly was made applicable to the ICA.</p> <p>Another change transferred the local jurisdiction over criminal antitrust cases from the Jerusalem District to the Central District.</p> <p>The amendment regarding confidential intelligence materials simplified the procedures connected with removing confidential intelligence materials from the evidence which the defense is entitled to examine after the filing of the indictment. The amendment regarding confidential intelligence materials simplified the procedures connected with removing confidential intelligence materials from the evidence which the defense is entitled to examine after the filing of the indictment.</p> <p>The change in local jurisdiction enables speedier hearing of criminal antitrust cases.</p>

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Japan	<p>The JFTC introduced a new procedure, in accordance with the Rules on Investigations by the Fair Trade Commission established pursuant to the provision of Article 76, Paragraph 1 of the Antimonopoly Act from the perspective of making the new leniency program more effective, etc. The new procedure sets forth that investigators will not access the documents containing confidential communication between an enterprise and an attorney regarding the legal advice on unreasonable restraint of trade, if certain conditions are confirmed to be met pursuant to prescribed procedures.</p> <p>The 2013 amendment to the Antimonopoly Act abolished the JFTC's hearing procedure for administrative appeals and eliminated the provision which stipulates that the jurisdiction of the first instance over any appeal suits pertaining to decisions of the JFTC shall lie in the Tokyo High Court. Due to the abolition of the JFTC's hearing procedure for administrative appeals, the amendment above introduced a system in which any appeal suits pertaining to cease and desist orders, etc. shall be subject to the exclusive jurisdiction of the Tokyo District Court, and also developed the procedure for hearing presided over by an officer designated by the JFTC.</p> <p>The amendment above has contributed to sufficient and transparent law enforcement.</p>
Mexico	<p>The new Federal Economic Competition Law published in 2014 brought procedural changes to cartel enforcement. The most important one is the creation of the Investigative Authority as a specialized investigation branch independent from the decision-making procedure, to eliminate any possible bias or conflict of interests between the Board of Commissioners who ultimately decide if an infringement to the Federal Economic Competition Law was made.</p> <p>On the other hand, since the constitutional reform of 2013, the new Commission has the power to issue binding Regulatory Provisions to regulate law enforcement under the 2014 Federal Economic Competition Law. The Commission has also the power to issue its Organizational Statute (legal binding documents).</p> <p>Since 2014, Cofece has issued four Regulatory Provisions: General Provisions of the Federal Economic Competition Law, Legal Privilege Provisions, Leniency Program Provisions, and Emergency Provisions for the duration of the Pandemic, that enable the Commission to make use of digital and electronic means.</p>
Poland	<p>In 2014 (effective since 2015), minor changes were introduced in our legislative provisions in relation to business secrets and the rules on the access to file. The changes provided slightly higher requirements with regard to motions submitted by undertakings to protect their business secrets during investigations and with regard to confidential versions of documents submitted in that respect. Taking into account that cartel</p>

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	<p>investigations typically cover numerous parties within the same procedure, the effect of those changes was overall positive, however its practical impact on our enforcement was limited due to the minor character of the changes. We intend to initiate legislative changes in that regard in the foreseeable future, as we experience more serious procedural obstacles due to access to file rules (this includes frequent attempts by the parties to procedurally obstruct the proceedings by submitting confidentiality claims).</p> <p>We also experienced negative developments in relation to access to file due to judicial developments. According to a new interpretation developed by our court of appeals, all our decisions concerning confidentiality claims are now subject not only to an appeal to the regional court, but are then subject to a subsequent appeal to the court of appeals. The impact of this change on our enforcement practice was highly negative, exercising much pressure on our resources and encouraging parties to obstruct proceedings through litigation on procedural matters before the investigation is closed.</p>
Russia	<p>Yes, over the past 10 years, changes have been made to the Code of Administrative Offenses of the Russian Federation and the Criminal Code of the Russian Federation in terms of determining legal liability for anti-competitive agreements.</p> <p>Amendments to the Law on Protection of Competition: delimitation of the concept of “agreement” (Article 11) and “concerted actions” (Article 11.1); definition of “cartel”; clarification of 5 consequences of the cartel's activities; clarification of the structure of offenses; clarification of the concept of “prohibited coordination of economic activity”; introduction of exceptions to Article 11 for a controlled group of persons, for issues related to the protection of intellectual property rights, as well as agreements on joint activities; clarification of the requirements for concerted actions of economic entities; exclusion from the concept of “vertical agreement” of the provision on the agency agreement; clarification of the antimonopoly requirements for tenders (clause 1 of part 1 of article 17 of the Law on Protection of Competition; (2011, 2015)</p>
South Africa	<p>There has been alignment in procedures regarding production of investigation record to normal civil process involving government entities. The Commission is no longer required to produce its investigation record when it refers the matter to the Tribunal for prosecution before discovery process. The Commission can now only make available its investigation record during discovery which takes place of close of pleadings.</p>

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	<p>Section 44 of the Competition Act now allows the Minister of Trade and Industry access to any confidential information submitted to the Competition Commission or the Competition Tribunal. It has also extended the powers of the Commission to allow the Commission to determine whether or not information is confidential, a power that has previously only been held by the Tribunal. The owner of the confidential information may refer any decision relating to confidentiality by the Commission to the Tribunal for final determination. Section 45 of the Competition Act which relates to the disclosure of confidential information has been brought in line with the amendments to Section 44.</p>
Spain	<p>In 2013 the Spanish Parliament decided to unify the independent sectoral regulators with the competition authority, taking advantage of the economies of scale derived from the existence of similar supervisory functions and procedures. Thus, the Act 3/2013 of 4 June 2013, created the National Commission on Markets and Competition (CNMC), combining the former National Competition Commission with myriad agencies, namely the Telecommunications Market Commission, the Railway Regulation Committee, the National Postal Sector Commission, the Airport Economic Regulation Commission, and the State Council on Audiovisual Media.</p>
Sweden	<p>ECN+ (will be implemented March 1, 2021) will bring some change. E.g. one major change is that the competition authority will issue fines for competition law infringements. (Before the implementation, the authority has only been able to bring court cases requesting the courts to issue fines.)</p>

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V.NEW VIOLATION PROVISIONS

Competition Authority	Supplemental Excerpts
Belgium	Abuse of economic dependency
Colombia	<p>There have been developments concerning the criminalization of cartels and bid rigging conspiracies in public procurement and the prohibition of any withholding of bills or any other act of purchasers of a good or beneficiary of a service that hinders the free circulation thereof.</p> <p>The latter was introduced into the Colombian Commercial Code, through Article 87 of the Law 1676 of 2013, whereas the first, the Article 410A of Law 599 of 2000 named “Anti- competitive agreements” was introduced to the Colombian criminal legal system through the 2011 Anti-Corruption Statute as one of the criminal measures adopted to fight public and private corruption.</p>
Israel	The new Law for the Advancement of Competition in the Food Industry sets forth a number of competition-related offenses. ICA investigators are authorized to investigate these offenses.
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Section 6 of CO prohibits anti-competitive agreements, concerted practices and decisions, including cartel contravention (“First Conduct Rule”). Section 21 of CO prohibits an undertaking that has a substantial degree of market power in a market from abusing that power by engaging in conduct with the object or effect of preventing, restricting or distorting competition in Hong Kong (“Second Conduct Rule”). Section 91 of CO provides for liability of persons (including individuals) for being involved in a contravention of the First Conduct Rule or Second Conduct Rule, covering both inchoate and accessorial liability.</p> <p>In particular, the CC has published The Guideline on the First Conduct Rule, which provides:</p> <p>An overview of key concepts used by the CC in relation to the First Conduct Rule.</p> <p>The CC’s approach to various types of business conduct, including,</p> <p>Price fixing, market sharing, bid rigging and output restrictions;</p>

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	<p>Resale price maintenance; and</p> <p>Joint ventures, joint tendering, franchising and distribution agreements.</p> <p>A wide range of hypothetical examples to assist understanding of how the CC applies the First Conduct Rule to common forms of business conduct.</p>
Mexico	<p>The Federal Economic Competition Law published in 2014 incorporates new violation provisions for cartel infringement: information exchange between competitors with the object or effect of price fixing, market allocation, output restrictions, or bid rigging becomes punishable per se as a cartel infringement.</p>
Poland	<p>While no new violation provisions have been introduced in the sense that no new forms of cartels became illegal, our legislation was changed in 2014 (effective since 2015) to make it punishable for managers to participate in cartels. This means that in the legal sense, our legislation includes now a separate offence which covers instances of managers actively colluding or intentionally failing to cease collusion by their companies. Bid rigging cases are excluded from this provision as they were already subject to criminal law. The liability of managers is administrative with managers facing administrative fines of up to approximately 500,000 USD. In the long term, we consider this development to be the second most important change in our legislation in the period covered by the survey (see our answers to other questions for the most important change). Individual liability of managers provides stronger incentives not to collude. It has a strong impact on compliance programmes within companies and provides stronger incentives to apply for leniency.</p>
Russia	<p>As a result of the amendments introduced by the third antimonopoly package, a distinction was made between the concept of agreement (Article 11) and concerted actions (Article 11.1). Thus, two different elements of the offense were distinguished.</p> <p>The fourth antimonopoly package introduced amendments to clause 1 of part 1 of Article 17 of the Law on Protection of Competition, which was supplemented with a composition that implies responsibility for concluding agreements between organizers of tenders and (or) customers with participants in these tenders, if such agreements are aimed at or lead to restriction of competition and (or) the creation of preferential conditions for any participants, unless otherwise provided by the legislation of the Russian Federation.</p> <p>Taking into account these changes, the elements of the offenses provided for in Articles 16 and paragraph 1 of Part 1 of Article 17 of the Law on Protection of Competition were also distinguished.</p>

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	<p>At the same time, these changes inherently did not introduce new offenses, but delimited and concretized the existing ones.</p> <p>The presented changes, in turn, contributed to a more accurate and correct qualification of the actions of participants in economic legal relations and to prevent the persecution of innocent persons.</p>
South Africa	<p>It has now been explicitly stated that market division by assignment of market shares is per se prohibited cartel conduct</p>
Spain	<p>Act 9/2017, of 8 November 2017, on Public Sector Contracts (transposing into Spanish law the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU, of 26 February 2014), states in Article 71.1.b.iii that persons who are duly punished for falsifying competition, i.e. for serious violations of Competition Act 15/2007, may not contract with public sector entities. This ban from contracting does not apply to those who make use of the leniency programme, whether they are seeking immunity or reduction of the amount of the fine. Up to 2020, the CNMC has declared the ban from contracting with public administrations in six decisions, all sanctioning cartels.</p>

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VI.INCREASED STATUTE OF LIMITATIONS

Competition Authority	Supplemental Excerpts
Austria	The 5 year limitation period regarding investigations in § 33 Austrian Cartel Act was amended to interrupt with effect from the date on which action aimed at the investigation or prosecution of the infringement by the Federal Competition Authority (BWB) is notified to at least one of the undertakings or associations of undertakings which has participated in the infringement.
Finland	The limitation period for proposing a penalty payment for a competition infringement was changed in 2011. In line with Section 22 of the previous Act (480/1992), the limitation period remained at five years as a main rule. The Competition Act (948/2011) however was adjusted on the basis of Article 25 of EU Regulation 1/2003 (Council Regulation (EC) No 1/2003 of 16 December 2002). According to the present Section 19 of the Competition Act, measures of the Finnish Competition Authority to investigate the infringement shall reset the limitation period. A penalty payment shall not be imposed if the proposal to the Market Court has not been made within ten years of the date of the violation, or in the case of a continuous infringement, within ten years of the date on which the violation ended.
Hong Kong	10 years ago – CO was not enacted. By the end of 2020 – CO came into full effect on 14 December 2015. Section 92(2)(b) of CO states that CC may not make an application to CT with respect to a contravention of a conduct rule more than 5 years after the day on which the contravention ceased or CC became aware of the contravention, whichever is the later.
Hungary	Pursuant to Article 68 (1) of the Competition Act, no competition supervision proceeding shall be initiated, with the exception of proceedings repeated due to legal remedy, if a period of five years has elapsed from the time of the infringement (anti-competitive agreement). As of 2018, Article 68 (1) shall not apply to the calling of a new undertaking into the competition supervision proceeding if the information available proves presumptively that another undertaking was also engaged in the conduct that is being investigated, or that another undertaking may also have responsibility for the conduct being investigated.

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Ireland	<p>Time limits for the making of complaints... shall not apply to a complaint in respect of... an offence that is triable (i) at the election of the prosecution, either on indictment or summarily...</p> <p>Criminal Justice Act 2006.</p>
Israel	<p>Setting the maximum prison term for cartel offenses at 5 years without need for proving aggravating circumstances resulted in a 10-year limitations period for all cartel offenses, regardless of the existence of aggravating circumstances. A separate amendment, applicable to all criminal cases, changed the way the time is computed, making it more favorable to the defendant.</p> <p>The ICA strives to file indictments quickly and not to utilize the full limitations period, whether 5 years or 10. Nonetheless, the applicability of a 10-year limitations period could be relevant in certain cases, especially when older cartel offenses are uncovered in the course of investigating newer ones. The amendment regarding computation of the time could provide an additional incentive for the ICA to complete investigations more quickly.</p>
Japan	<p>The 2019 amendment to the Antimonopoly Act extended the statute of limitation to 7 years (Previously 5 years).</p> <p>The part above in the amended act came into force on December 25, 2020 and there has been no case which it has applied to so far as of December 28, 2020. It is expected that it will make a positive impact on future cartel enforcement by the JFTC.</p>
Mexico	<p>The Statute of Limitations for cartel conducts went from five years to ten years in 2014.</p> <p>These changes increased COFECE's investigative powers, enhancing cartel detection and adding to the deterrent effect of competition enforcement in Mexico</p>
Poland	<p>The limitation period for cartel offences was increased in 2014 from 1 year to 5 years. We believe it was the most significant change in the Polish anti-cartel legislation, leading to much more effective enforcement. Before 2014 a very short 1-year limitation period caused numerous cartels to go unpunished due to the lack of our ability to prosecute cases, even if a cartel was proactively uncovered. We also believe that the very short limitation period affected negatively the number of our leniency applications, as cartels uncovered through internal audits could already be covered by the limitation or it was more beneficial for undertakings to wait until we lose the ability to prosecute, rather than self-report to us.</p>

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Russia	<p>A case on violation of the antimonopoly legislation cannot be initiated and the initiated case is subject to termination after three years from the date of the violation of the antimonopoly legislation, and in case of a continuing violation of the antimonopoly legislation - from the date of the end of the violation or its detection.</p> <p>This provision is enshrined in Article 41.1 of the Law on Protection of Competition (introduced in 2009) and has not changed since then.</p>
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VII.OBSTRUCTION PROVISIONS

Competition Authority	Supplemental Excerpts
Austria	<p>Introduction of administrative sanctions of up to EUR 75,000 for obstruction of BWB's order to provide information by RFI or oral statement, obstruction of BWB's right to examine files of an undertaking; see § 11a para 1 lit 1 to 3 Austrian Competition Act;</p> <p>daily penalties since 2017 if companies are not cooperative regarding securing electronic data during dawn raids.</p>
Chile	<p>Investigated parties can be fined when they do not respond or give incomplete responses to requests of information.</p>
Cyprus	<p>Modified Articles 30 (7) & (8) in national Competition Law</p> <p>Increased penalties / increased cooperation of business executives</p>
Germany	<p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the "Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions" ("GWB-Digitalisierungsgesetz" - GWB Digitalisation Act).</p> <p>While a key element of the amendment is the modernisation of abuse control, the amendment also served the implementation of the ECN Plus Directive into national law. The implementation of this directive will strengthen the effectiveness of cartel prosecution. In line with the system in place at EU level, companies and their employees will be required in future to cooperate to a certain extent in establishing the facts of a case.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Failure to comply with a requirement or prohibition (section 52 of CO), destroying or falsifying documents (section 53 of CO), obstruction of search (section 54 of CO) and providing false or misleading documents or information (section 55 of CO) will incur criminal liability.</p>

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Hungary	<p>The transposition of the ECN+ Directive lays down the maximum amount of the procedural fine (‘periodic penalty payment’) that may be imposed in the case of an association of undertakings. Furthermore,</p> <p>procedural fines shall be effective, proportionate and dissuasive.</p> <p>Procedural fines are a key tool to ensure that Competition Authorities have effective means to tackle continuing and future non-compliance by undertakings, associations of undertakings and third parties.</p>
Ireland	<p>37. (2) The powers mentioned in subsection (1) are the following: [...] (d) to require any person who carries on an activity to (i) give to the authorised officer his or her name, home address and occupation, and (ii) provide to the authorised officer any books, documents or records relating to that activity which are in that person’s power or control, and to give to the officer such information as he or she may reasonably require in regard to any entries in such books, documents or records, and where such books, documents or records are kept in a non-legible form to reproduce them in a legible form; (e) to inspect and take copies of or extracts from any such books, documents or records, including in the case of information in a nonlegible form, copies of or extracts from such information in a permanent legible form;(f) to require a person mentioned in paragraph (d) to give to the authorised officer any information he or she may require in regard to the persons carrying on the activity referred to in paragraph (a) (including in particular, in the case of an unincorporated body of persons, information in regard to the membership thereof and its committee of management or other controlling authority) or employed in connection therewith; (g) to require a person mentioned in paragraph (d) to give to the authorised officer any other information which the officer may reasonably require in regard to the activity referred to in paragraph (a).</p> <p>Competition and Consumer Protection Act 2014, Powers of authorised officers in relation to investigations under Act of 2002, section 37(2)(d) and 35(8), (9) and (10).</p>
Israel	<p>ICA investigators are authorized to investigate obstruction of justice in connection with ICA investigations. The wording of this authorization recently was amended to close a loophole which was left open in the previous drafting.</p> <p>The recent amendment allows ICA investigators to investigate obstruction of justice which took place before the opening of the ICA investigation; the previous wording of the law allowed investigation only of obstruction which took place after the opening of the ICA investigation.</p>

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Japan	<p>The 2019 amendment to the Antimonopoly Act raised the limit of the amount of criminal fine for juridical person charged with the offense of obstructing investigation.</p> <p>The part above in the amended act came into force on July 26, 2019 and there has been no case which it has applied to so far as of December 28, 2020. It is expected that it will make a positive impact on future cartel enforcement by the JFTC.</p>
Mexico	<p>The changes in antitrust enforcement, particularly regarding obstruction provisions have armed the Commission with new tools to exercise its powers and successfully investigate cartel conducts in Mexican markets. In 2011:</p> <ul style="list-style-type: none"> - The fine for declaring deceptively, or giving false information to the Mexican Competition Authority, increased in approximately 473.7% to approximately 11 million Mexican pesos (roughly 5 hundred thousand US). - There is the possibility of arresting or requesting the assistance of law enforcement in order to carry on an on-site inspection. <p>In 2014:</p> <ul style="list-style-type: none"> - Any person that alters or destroys documents, images or electronic files containing information or data, in order to divert, obstruct or prevent investigations or on-site inspections can face criminal charges that lead to imprisonment from one up to three years. - The Commission has now the possibility to fine, request assistance from law enforcement or to order an arrest for 36 hours, to anyone who doesn't comply with the legal powers that the Commission has to investigate. - If an on-site inspection is blocked or obstructed, the Commission can legally presume that the facts it was investigating in that on-site inspection are true. <p>The evolution of obstruction provisions has been beneficial for COFECE's investigation powers giving the fact that they become increasingly mandatory and taken more seriously by the undertakings.</p>
Poland	<p>Provisions concerning the obstruction of investigations were slightly revised in 2014 (effective since 2015), due to our negative experience with the wording of specific provisions concerning obstruction of dawn raids. The changes, however, were of less prominent character and mostly aimed at ensuring that</p>

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	the courts would not depart in their interpretation of law from the intended purpose of the provisions (which proved to be a risk). Before 2015, the undertakings subject to a dawn raid were obligated to cooperate during the dawn raid; since 2015, they are prohibited from obstructing our dawn raids.
Spain	In 2016 an explanatory note on how the CNMC conducts its inspections was published to let undertakings know in advance what to expect from CNMC inspector if they are obliged to submit to inspections, thus making more predictable how inspections are conducted for all parties concerned.
Sweden	ECN+ (will be implemented March 1, 2021) will bring some change. E.g. companies will be under a general duty to cooperate with the competition authority's investigations. A failure to do this may result in fines.

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VIII.SETTLEMENT PROVISIONS

Competition Authority	Supplemental Excerpts
Austria	Clarification, that settlements are possible under Austrian competition law. Publication of BWB guidelines on settlements.
Brazil	<p>Federal Law 12529/2011 made Cease and Desist Agreements more robust and, along with soft law (guidelines), created objective, non-binding parameters that led to an increased number of applications. In cartel lawsuits, Cease and Desist Agreements require admitting participation in a conduct and providing evidence to clarify facts, possibly bringing understanding on the period and scope of the practice, as well as some subjective input. Moreover, CADE negotiates a financial contribution in the amount of the expected fine minus a discount that varies according to the usefulness of the cooperation in clarifying the offence and administering a suitable punishment.</p> <p>Between 2013 and 2015, CADE approved 66 of such agreements; between 2016 to 2020, 170.</p>
Czech	Enforcement improved, most of cartel cases are closed within the settlement procedure
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. In addition to the leniency provisions discussed above, an undertaking may seek to cooperate with CC with a view to reaching a settled outcome to an investigation by way of orders made by consent as provided by Rule 39 of CTR in accordance with the Cooperation and Settlement Policy for Undertakings Engaged in Cartel Conduct issued by CC in April 2019. Section 4 of the CC’s published Enforcement Policy sets out more generally the framework for settlement and cooperation.</p>
Hungary	<p>The settlement procedure provided for in the Competition Act came into effect on 1 July 2014.</p> <p>In 2017, the GVH issued Notice No. 10/2017 on the settlement proceeding, which provides a detailed explanation of the principles set out by the legislation that the GVH follows in the settlement procedure</p>

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	<p>pursuant to Article 73/A of the Competition Act in the course of its competition supervision proceedings.</p> <p>The settlement procedure may be applied in competition supervision proceeding for an infringement falling under the prohibition of Article 11 or 21 of the Competition Act or Article 101 or 102 of the TFEU, or Article 71 of Act CLXIV of 2005 on Trade.</p> <p>The transposition of the ECN+ Directive brings about further changes in relation to settlement provisions.</p> <p>The GVH may reduce the amount of the fine by 10-30% if the undertaking subject to the proceeding admits the infringement committed and resigns its right of access to files, statements, hearings, and judicial remedies, and contribute to the faster and less resource-intensive conclusion of proceedings in the framework of a settlement proceeding.</p>
Spain	<p>The possibility of introducing a settlement procedure (applicable in cartel cases) in the upcoming reform of the Spanish Competition Act (to be passed in 2021), is under discussion.</p>
Turkey	<p>Another significant change introduced to the Competition Act No. 4054 is settlement procedure which is inspired by the EU law. According to this amendment, after the initiation of an investigation at the request of either the TCA or by one or more of the parties, a settlement procedure may begin. The Board may come to a settlement with undertakings or associations of undertakings subject to investigation, who acknowledge the existence of the violation until the investigation report is submitted. The administrative monetary fines to be imposed will be decreased by 25% for undertakings that settle with the TCA.</p>
Poland	<p>A settlement procedure similar to the cartel settlement procedure used by the European Commission was introduced in 2014. The introduction of settlement provisions led to a number of settlements being reached, however mostly in smaller cases. Overall, we believe that the settlement provisions did not bring the intended result of limiting litigation and streamlining investigations. We believe this is mostly due to a faulty implementation of the settlement provisions, offering weak incentives for undertakings to settle and for us to initiate settlement procedures. We believe this is mostly due to a cumbersome character of the procedure coupled with the fact that our fines (if appealed) are paid only after litigation is over. Taking also into account that litigation in our jurisdiction is very lengthy and that settlement decisions are not streamlined to provide less risks to the board members of undertakings and to</p>

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	<p>undertakings themselves under private enforcement (and to reduce the workload of our cases), settlements are not very attractive. We intend to change these provisions.</p>
Russia	<p>In the process of appealing of a decision of an antimonopoly authority the settlement procedure exists. The procedure and conditions of the settlement agreements, as well as requirements for its content and execution are provided by Chapter 15 of the Arbitration Procedure Code of the Russian Federation.</p> <p>In case of conclusion of the settlement agreement, an economic entity and the FAS Russia make an agreement in the court on the compromise conditions to settle their dispute upon competition legislation.</p> <p>In practice, settlement agreements are usually concluded upon cases of abuse of dominant position by establishing and maintaining monopolistically high prices.</p> <p>However, they are allowed in almost any antitrust disputes.</p> <p>The settlement agreement, approved by the court, is compulsory for execution. This is also a guarantee of protection of rights of the Parties of the agreement.</p> <p>At the same time, a special settlement procedure or a pre-court agreement conclusion is not provided within the legislation on competition of the Russian Federation.</p> <p>Settlements are allowed in almost any antitrust disputes.</p> <p>However, it is necessary to mention, that there is no practice of settlement in cartel cases.</p> <p>Settlement proceeding is initiated after the decision is made.</p> <p>The settlement agreements is an effective tool for compromise resolution of disputes between economic entities and the FAS Russia on the stage of the court appeal. In addition, in the conclusion of settlement agreements the mandatory provisions of the Russian legislation must be taken into account. For example, one cannot include the provision in the settlement agreement, in accordance with which a company would pay a fine below the minimum fine amount set in the Code of Administrative Offenses of the Russian Federation.</p>

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IX.REMEDIAL PROVISIONS

Competition Authority	Supplemental Excerpts
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Under section 110 of CO, a person who has suffered loss or damage as a result of any act that has been determined to be a contravention of a conduct rule has a right of action against any person who has contravened the rule or has been involved in that contravention.</p>
Hungary	<p>Act I of 2017 on the Code of Administrative Court Procedure, which entered into force on 1 January 2018, introduced changes to the legal framework under which the GVH's decisions may be subject to judicial review.</p> <p>As of 1 January 2018, there are two instances of court review for competition cases, the first instance court is the Regional Court of Budapest, which possesses exclusive competence in competition law matters, while the second instance court is the Hungarian Supreme Court, the Curia, which is the presiding appellate court. Before the entry into force of the Code of Administrative Litigation, the Curia acted as an extraordinary review court in competition cases. However, in accordance with the legislation that is currently in force, the Curia is the appellate court for the review of the GVH's decision on the merits of the cases.</p> <p>Hungarian administrative review courts carry out a full review in competition cases. This review takes the form of a comprehensive assessment of both the findings of fact and conclusions of law. The first instance court is responsible for carrying out a full review of the findings of fact and conclusions of law to the extent necessary based on the action of the plaintiff. The extent of the review is determined by the action, which means that the court only touches upon those facts and legal matters that are raised by the plaintiff. The administrative courts cannot initiate proceedings ex officio. The recent case law of the Curia suggests that the full review must fall within the limits of the action on which it is based, namely the proceeding court must not overstep the action and undertake a review of the findings of fact and conclusions of law that goes beyond what the concerned party has raised in its claim.</p>

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Japan	<p>The 2016 amendment to the Antimonopoly Act introduced a scheme to resolve suspected violations of the Antimonopoly Act voluntarily by a consent between the JFTC and the enterprise (Commitment Procedures)(except for hard core cartels).</p> <p>There has been no case which it has applied to non-hard core cartels (except for private monopolization and unfair trade practices) so far as of December 28, 2020.</p>
Mexico	<p>Since 2014, the Federal Economic Competition Law contemplates the possibility for the affected parties to seek damages and start class action lawsuits.</p>
Poland	<p>Remedial provisions were introduced in 2014, but they did not affect our anti-cartel enforcement. This is mostly due to the fact that fines are typically a ‘remedy’ for cartelisation and the introduced remedial provisions are rather aimed at abuses of dominance.</p>
South Africa	<p>There is now criminalisation of cartel conduct.</p>
Turkey	<p>With the aforementioned Amendment Law, the TCA is granted with the power to order structural remedies for anticompetitive conduct infringing Articles 4, 6 and 7 of the Law No. 4054, provided that behavioral remedies are first applied and failed. Further, if the Board determines with a final decision that behavioral remedies have failed, undertakings or association of undertakings will be granted at least 6 months to comply with structural remedies.</p>

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X.ADOPTION OF PER SE STANDARD

Competition Authority	Supplemental Excerpts
Canada	<p>On March 12, 2009, the Parliament of Canada passed amendments to the conspiracy provisions of the Act, which came into force on March 12, 2010.</p> <p>The criminal offence of conspiracy (s. 45) was repealed and replaced with a new <i>per se</i> criminal provision that prohibits agreements between competitors and/or potential competitors to fix prices, allocate markets and restrict output. As such, the previous requirement of proving an undue anti-competitive effect to the criminal burden of proof disappeared. Other forms of competitor collaborations, such as joint ventures and strategic alliances, may be subject to review under a civil provision (s. 90.1) that prohibits agreements only where they are likely to substantially lessen or prevent competition.</p> <p>Impact: Improved</p>
Chile	<p>Hard-core cartels (price fixing, output restrictions, market sharing agreements and bid rigging) no longer require proof of market power.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. The CC adopts the EU approach that some contraventions (e.g. cartel conduct) have the “object” of harming competition and anti-competitive effect will not need to be proved. This has been confirmed in the first judgments before the CT. See COMPETITION COMMISSION v. NUTANIX HONG KONG LTD AND OTHERS [2019] HKCT 2; [2019] 3 HKC 307; CTEA 1/2017</p>
Israel	<p>No changes. The per se standard has been in use for many years.</p>
Russia	<p>The <i>per se</i> principle has not changed. Russian legislation provides for an absolute ban on cartels (ban per se).</p>
United States	<p>The per se standard has been in place for most cartel conduct since as early as 1898. The U.S. Congress recently reaffirmed its support for the per se rule, finding that “[c]onspiracies among</p>

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competitors to fix prices, rig bids, and allocate markets are categorically and irredeemably anticompetitive and contravene the competition policy of the United States.” Continuing Appropriations Act, 2021 and Other Extensions Act, Pub. L. No. 116-159, § 4302, 134 Stat. 709, 742 (2020).

In 2016, the Antitrust Division announced its intention to proceed criminally against naked wage-fixing or labor market allocation agreements between competitors because “naked” labor market allocation and wage-fixing agreements eliminate competition in the same irredeemable way as, and are indistinguishable from, market allocation agreements and price-fixing conspiracies in output markets. See “Antitrust Guidance for Human Resource Professionals” (available here: <https://www.justice.gov/atr/file/903511/download>)

In December 2020 and January 2021, the Antitrust Division announced its first criminal enforcement actions against wage-fixing and labor market agreements. More information about these cases can be found here: <https://www.justice.gov/opa/pr/health-care-company-indicted-labor-market-collusion>

The focus on wage-fixing and labor market allocation agreements have improved our enforcement efforts.

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XI.INTERNATIONAL COOPERATION

Competition Authority	Supplemental Excerpts
Australia	In our experience, criminalising cartel conduct has increased the ability and willingness of colleagues in other jurisdictions which have criminal cartel regimes to share confidential information and collaborate in relation to international cartel investigations. This is because criminalising cartel conduct opens up the possibility of mutual assistance requests (including police-to-police) which are an important tool in obtaining evidence for the investigation and prosecution of transnational crime.
Austria	Participation of BWB in international competition such as ICN, OECD and UNCTAD. European cooperation with focus on ECN meetings and bilateral contacts. Since 2019 BWB is represented in the OECD Competition Bureau. Bilateral cooperation with non-EU competition authorities based on memoranda of understanding.
Belgium	Possibility for bilateral cooperation agreements with non-ECN authorities
Canada	<p>The Bureau signed new cooperation instruments, including the following.</p> <ul style="list-style-type: none">-The Multilateral Mutual Assistance and Cooperation Framework for Competition Authorities with the Australian Competition and Consumer Commission, the New Zealand Commerce Commission, the United Kingdom Competition & Markets Authority, the United States Department of Justice and the United States Federal Trade Commission (September 2020)-Memorandum of Understanding (“MOU”) with the Competition and Consumer Commission of Singapore (September 2019)-MOU with the National Institute for the Defence of Competition and the Protection of Intellectual Property of Peru (May 2019)-MOU with Colombia’s Superintendence of Industry and Commerce (June 2017)-Second-generation cooperation agreement with the Japan Fair Trade Commission (May 2017)-MOU with the Hong Kong Competition Commission (December 2016)

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	<p>-Second-generation arrangement with the New Zealand Commerce Commission (April 2016)</p> <p>-MOU with China's Ministry of Commerce (May 2015)</p> <p>-MOU with the Competition Commission of India (December 2014)</p> <p>In May 2019, the Bureau helped found the ICN Framework on Competition Agency Procedures.</p> <p>Impact: Improved</p>
Croatia	(2013.) extended legal provisions regulating cooperation with European Commission and EU member states; enforcement improved
Cyprus	<p>New Article 23(B) (3) in national Competition Law</p> <p>Power to adopt cooperation protocols with other Competition Authorities</p>
Czech	Enforcement improved, increased cooperation within ICN and ECN, possibility to address anticompetitive conduct with better results
Denmark	Increased cooperation with competition authorities in the northern neighbor countries
Dominican republic	We have cooperation agreements with authorities from other countries, and that has helped us gain insight from the most experienced jurisdictions.
EU	<p>A number of new cooperation agreements strengthened and facilitated contacts with other agencies. These are the following:</p> <p>Cooperation agreement EU-Switzerland (2014)</p> <p>Memorandum of Understanding with Russia (2011)</p> <p>Memorandum of Understanding with India (2013)</p> <p>Memorandum of Understanding with South Africa (2016)</p> <p>Administrative Agreement on Cooperation with Mexico (2018)</p> <p>Terms of reference of the EU-China Competition Policy Dialogue (2019)</p>

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	<p>The cooperation agreements created a framework for international cooperation, notifications and coordination and exchange possibilities.</p> <p>The Memorandums of Understanding likewise create a basis for bilateral cooperation.</p> <p>DG Competition also cooperates on a regular basis within the International Competition Network (ICN), OECD and UNCTAD, but also on a case by case basis with the competition authorities in charge of fighting cartels.</p>
Finland	<p>As of July 2020, all Nordic countries are parties to the Nordic Agreement on Cooperation in Competition Cases. With the Nordic agreement, cooperation can now also be pursued with the competition authorities of Iceland and Norway, not members of the European Competition Network (the latter allows members to investigate restrictions on competition in cooperation with the European Commission and other competition authorities in the EU, as well as to share confidential information when investigating restrictions on competition). Under the agreement, Nordic competition authorities can provide each other with executive assistance in company inspections and share the findings with other Nordic countries. The information can be used as evidence to show that restrictions on competition have been applied. The Nordic agreement also covers cooperation on merger control matters. Within the framework of the cooperation, Nordic competition authorities can provide each other with information on their own competition investigations, which allows more efficient use of the investigation resources. The investigation powers provided under the Nordic agreement can also be used in national cases and in this respect, they are broader than those available to the members of the European Competition Network.</p>
Germany	<p>The Bundeskartellamt cooperates on a regular basis within the ICN, OECD and UNCTAD.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CC joined the ICN on 4 December 2013 and has been an active member of the ICN and a participant in the OECD/Korea Policy Centre Competition Programme. CC has entered into a Memorandum of Understanding (“MOU”) with the Canadian Competition Bureau in December of 2016 and Philippine Competition Commission in December 2020.</p>
Hungary	<p>The GVH has intensive international co-operation with the members of the European Competition Network (ECN) in the first place, but the professional co-operation in the frame of the Organisation for</p>

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	<p>Economic Co-operation and Development (OECD), International Competition Network (ICN) and United Nations Conference on Trade and Development (UNCTAD) are also important.</p> <p>The setting up of an OECD-GVH Regional Centre for Competition in Budapest, the objective of which is to develop competition policy, competition law and competition culture and to help the work of the competition authorities of the region, has given new frames to the co-operation with Central-, Eastern- and South-Eastern European countries.</p> <p>The GVH is in close cooperation with other competition authorities within and outside the boundaries of the EU in the framework of bilateral cooperation agreements.</p> <p>The GVH is an active participant in the ICN, in particular in the work of the Cartel Working Group (CWG). The GVH remained responsible for the coordination of the project on the ‘Anti-Cartel Enforcement Template’. In addition to this, since April 2016 the GVH has held the position of co-chair of the Regulatory Framework Subgroup of the CWG of the ICN and in this capacity it has also been responsible for several other ICN CWG projects (e.g., the project on leniency incentives and the organisation of several webinars on various topics).</p> <p>The international professional recognition archived by the GVH over the course of the past decade is apparent from the fact that in 2021, Hungary is going to host the annual conference of the ICN.</p>
Ireland	Member of European Competition Network. Assistance to the European Commission while conducting searches in Ireland. Member of the Criminal Investigation Group (CIG)
Japan	<p>The JFTC has concluded 12 MOUs (Memorandum of Understandings) regarding cooperation between antitrust authorities over the past 10 years. Moreover, Japan has concluded 6 EPAs (Economic Partnership Agreement) that contain provisions regarding competition since 2010.</p> <p>These agreements contribute to the JFTC and other antitrust authorities’ cooperation on cartel enforcement.</p>
Mexico	COFECE’s experience regarding international cooperation has been very positive. The Anti-Cartel Unit has had the opportunity to cooperate with other jurisdictions through formal and informal channels. For example, it has had successful coordination with the United States’ Federal Trade Commission and its Department of Justice’s antitrust division regarding trainings on the use of investigative tools and international leniency applications. On the other hand, COFECE has also

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	<p>engaged in useful experience exchanges with other competition agencies such as Ecuador, UK, Hong Kong, Australia, Perú, Chile and Brazil, regarding how each one exercises its powers.</p> <p>COFECE's cooperation with international organizations has also been a priority for the Commission's compliance with international standards, such as the OECD, the World Bank and the ICN, among others.</p> <p>This has been crucial to improve cartel enforcement in Mexico, since it has allowed COFECE to participate and engage in exchanges that allow international standards to permeate in Mexican enforcement, making it more efficient and effective. This has been crucial to improve cartel enforcement in Mexico, since it has allowed COFECE to participate and engage in exchanges that allow international standards to permeate in Mexican enforcement, making it more efficient and effective.</p>
Russia	<p>Since 2009, the FAS Russia has begun international cooperation with competition authorities of various countries, and has also begun the process of implementing the world's best anti-cartel practices.</p> <p>In 2014, FAS Russia was elected as a co-chair of subgroup 2 of the ICN Working Group on Cartels. In 2015-2019, the Anticartel Department of the FAS Russia regularly conducts training seminars for a number of EAEU competition authorities.</p> <p>In order to exchange experience, the employees of Anticartel Department of the FAS Russia regularly take part in events (conferences, round tables, seminars, etc.) organized by the competition authorities of foreign countries (Austria, Brazil, Hungary, South Africa, etc.), as well as in events organized by the ICN, OECD, UNCTAD, etc.</p> <p>On the initiative of the FAS Russia, a working group on cross-border cartels was created at the UNCTAD platform in October 2020.</p>
Spain	<p>Due to the increasingly border-less nature of cartels, international cooperation and information sharing among competition agencies around the world is essential. Therefore, CNMC has continued to support and promote cooperation and information sharing by encouraging both formal and informal mechanisms at both the working level, and the management level, in particular, in the investigation on some cartel cases, i.e., Tobacco case, started by evidences received from NL CA (ACM) within the</p>

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	<p>ECN cooperation. Every year, the CNMC increases its efforts to expand its international profile through;</p> <p>(1) The furthering of bilateral contact with the national competition authorities of our regional partners, in particular with Germany, France, the United Kingdom and Italy, as well as existing relations with Portugal</p> <p>(2) The development of closer institutional relations, with competition authorities in countries outside the EU and Latino-America. Particularly by bilateral MoUs</p> <p>Therefore the CNMC is and will be very active participation in the working groups of the International Competition Network -in October 2016 the CNMC hosted in Madrid the Annual Cartel Workshop- and on the OECD Competition Committee and its working groups, as well as bilateral contacts between NCAs. It is worth mentioning the efforts in advocacy and training activities that the CNMC is carrying out with the Latin-American competition authorities.</p>
Sweden	A new cooperation agreement between the Nordic countries was signed in 2017 (replacing an existing agreement from 2001). ECN+ also have some cooperation aspects.
Turkey	With the initiative of the TCA, an international organization under the name of International Competition Forum (ICF), which is aimed to be periodical event to grant the opportunity to get in touch with other counterparts from different jurisdictions, first held in İstanbul in 2019.
United States	<p>There have been no legislative changes impacting the Antitrust Division's ability to engage in international cooperation, however, within the last 10 years, the Antitrust Division has entered into a number of new bilateral cooperation agreements with other jurisdictions including China, Chile, Colombia, India, Korea, and Peru, as well as the Multilateral Mutual Assistance and Cooperation Framework for Competition Agencies with the United Kingdom, Canada, Australia, and New Zealand. These agreements can be found at: https://www.justice.gov/atr/antitrust-cooperation-agreements</p> <p>These agreements have improved our enforcement efforts.</p>

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XII.RELATIONSHIP BETWEEN OTHER GOVERNMENT BODIES

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has invested significant resources into developing its relationship with other agencies involved in the investigation and prosecution of criminal cartels, including through the use of Memorandums of Understanding (MOU's) with the Commonwealth Director of Public Prosecutions (CDPP) and the Australian Federal Police (AFP). This has been coupled with capacity building work with international counterparts such as the United States Department of Justice (US DOJ) and Federal Bureau of Investigation.</p> <p>Further to this, the ACCC now also participates in a multiagency fraud prevention hub hosted by the AFP and the Fraud Prevention Centre at the Attorney-General's Department.</p> <p>The ACCC's relationship with the CDPP has deepened since the introduction of criminal cartel provisions and the criminal immunity paragraphs of the Immunity Policy. This has required closer consultation with the CDPP and more broadly with a number of other domestic and international agencies.</p>
Austria	<p>Improvement of cooperation between public prosecutors and the anti-corruption office regarding investigation in bid rigging cases.</p> <p>Increased cooperation with regulators, eg with the telecom regulator on platforms.</p>
Canada	<p>In April 2017, the Bureau launched a tip line in collaboration with Public Services and Procurement Canada ("PSPC") and the Royal Canadian Mounted Police ("RCMP") for the public to report suspected instances of fraud, collusion or corruption affecting federal government contracts.</p> <p>The Bureau signed MOUs with domestic partners, including the following.</p> <ul style="list-style-type: none">-MOU with the PPSC (first signed in 2010 and updated in May 2020)-MOU with the Government of Yukon (November 2019)-MOU with Defence Construction Canada (December 2018)-MOU with the Inspector General of Montréal (August 2016)

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	<p>-MOU with the RCMP (the MOU entered into force in August 2015. In December 2020, the expiration date was extended to December 2025)</p> <p>-MOU with the Ontario Provincial Police (July 2015)</p> <p>-MOU with the Ontario Securities Commission (November 2014)</p> <p>-MOU with Public Works and Government Services Canada (now PSPC) (May 2013)</p> <p>Impact: Improved</p>
Chile	As explained above, the FNE decides whether or not to refer cases to the criminal prosecutor once a civil/administrative violation has been established.
Colombia	The SIC has signed a cooperation agreement with the National Prosecutor and the National Comptroller
Cyprus	<p>New Article 23(B) (1) & (2) in national Competition Law</p> <p>Power to cooperate with other government bodies and /or ask for their help / Aided in the initiation of cases and in conducting dawn raids</p>
Czech	Enforcement improved, conclusion of memorandum on cooperation, common procedures, exchange of information
Dominican Republic	We have signed memorandums of understanding with government bodies related to our work.
EU	<p>DG Competition closely cooperates with the European Competition Network (ECN), which is the closest cooperation DG Competition has with other agencies, but also with the EFTA Surveillance Authority.</p> <p>DG Competition cooperates with the national judges within the EU who also apply competition rules.</p> <p>DG Competition cooperates with other Directorates General within the Commission responsible for e.g. consumer protection, fraud and public procurement as well as with the Directorates General responsible for the different sectors relevant to a given cartel case. Our cooperation extends to other EU institutions, as well as with other government bodies within the EU in the detection of infringements.</p>

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Finland	Increased cooperation with state authorities (tax administration, police) and public procurement units (municipalities, public offices). This has proven very useful in both locating potential infringements and improving level of knowledge concerning competition law.
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CC signed MOU with the Communications Authority of Hong Kong in December 2015 for the purpose of coordinating the performance of their functions under CO. CC signed MOU with the Securities and Futures Commission of Hong Kong in April 2020.</p>
Hungary	<p>In relation to cartel enforcement the GVH signed cooperation agreements with the Public Procurement Authority of Hungary.</p> <p>In addition, the GVH may request police assistance for the successful and safe conduct of the unannounced inspection ('dawn raid').</p> <p>Through the cooperation, the parties expressed their support for each other support each other to ensure transparent, open and fair competition in public procurement thereby promoting the transparent, fair and efficient use of public funds in the course of public procurement procedures.</p>
Ireland	<p>The DPP has sole discretion to grant immunity from prosecution. The competition authority receives and processes immunity applications and refers these to the DPP, with a recommendation.</p> <p>A revised Cartel Immunity Programme came into effect on 22 January 2015 which sets out the policy of both the DPP and the CCPC in relation to immunity. It outlines the process through which parties must agree to cooperate in order to qualify for immunity from criminal prosecution</p>
Israel	<p>Over the past 10 years ICA investigators have conducted some joint investigations with the Israel Police, and these investigations have led to joint prosecutions handled by ICA prosecutors and prosecutors from the State's Attorneys office.</p> <p>Currently, one of the ICA's criminal prosecutors is being seconded to the Central District of the State's Attorney's office.</p> <p>In addition, the ICA is represented on inter-office committees which consider various aspects of criminal enforcement, including cartel cases.</p>

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	<p>These joint investigations and prosecutions have helped ICA investigators and prosecutors to gain experience investigating and prosecuting money-laundering charges. Seconding an ICA prosecutor to the State's Attorney's office is expected to be another source of experience and professional know-how for the ICA's cartel enforcement program. Participation in inter-office committees allows for sharing of knowledge, experience and ideas.</p>
Italy	<p>The AGCM has signed several MoUs to facilitate cooperation with public prosecutors, national and local procurement agencies and the anti-corruption authority which is in charge of the supervision of all public sector tender procedures.</p>
Mexico	<p>COFECE has increasingly fostered its relationship with other Government Bodies to increase cooperation, cartel awareness and enforcement. Some examples are:</p> <ul style="list-style-type: none"> - In 2011 COFECE signed an agreement with the Mexican Social Security Institute (IMSS for its acronym in Spanish). - In 2013 COFECE signed an agreement with the Mexican Tax Administration Service (SAT for its acronym in Spanish) in order to collect the fines imposed by the Commission in its resolutions - In 2014 and in 2019 COFECE signed agreements with the Mexican Central Bank (BANXICO for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2014 and 2015 COFECE signed three agreements with the Mexican Consumer Protection Agency (PROFECO for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2015 COFECE signed an agreement that was renewed in 2020 with the Ministry of Foreign Relations (SRE for its acronym in Spanish) to promote assistance and cooperation, particularly regarding international notifications of COFECE's proceedings. - In 2018 COFECE signed an agreement with the Energy Commission (CRE for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2019 COFECE signed a cooperation agreement with the Ministry of Governmental Inspection for information exchange and cooperation, particularly regarding actions to fight corruption. <p>These agreements have proved to be very beneficial to initiate and conduct cartel investigations, and thus enhancing the Commission's enforcement.</p>

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Poland	<p>While there were no legislative changes with regard to our relationship with other government bodies, in the period covered by the survey we established more formal cooperation with the Public Prosecution Office, the Public Tenders' Office, and the Internal Security Agency (Polish non-military counter-intelligence agency, which deals also with economic crimes).</p>
Russia	<p>In modern conditions, countering cartels and other anti-competitive agreements requires the interaction of antimonopoly, law enforcement, control and supervisory authorities.</p> <p>Since 2015, the FAS Russia, the Ministry of Internal Affairs of Russian Federation and the Investigative Committee of the Russian Federation have developed and began to implement effective mechanisms for interaction, exchange of information, transfer of materials of criminal cases and the results of operational-search measures.</p> <p>Practically in all constituent entities of the Russian Federation, agreements on cooperation have been concluded between the regional offices of the FAS Russia and law enforcement agencies.</p> <p>At the same time, in 2018, by order of the FAS Russia, methodological recommendations were approved on organizing interaction between the FAS Russia and interested law enforcement agencies to identify, disclose and investigate crimes related to restricting competition (Article 178 of the Criminal Code of the Russian Federation).</p> <p>In addition, the FAS Russia holds meetings with the participation of the Russian Ministry of Digital Development, the Ministry of Economic Development, the Federal Tax Service of Russian Federation on the delimitation of communication secrets and information constituting other secrets protected by law in terms of the use of this information in cases of violation of antimonopoly legislation; meetings with the participation of the Russian Ministry of Health and the Federal Service for Surveillance in Healthcare on the implementation of legislation on drug provision for privileged categories of citizens, including on the pricing of drugs.</p> <p>For the purpose of operational interdepartmental interaction, a system of electronic interdepartmental interaction (SEII) has been organized and put into operation.</p> <p>As a result of the successful interaction of law enforcement and antimonopoly authorities, the number of criminal cases initiated under Article 178 of the Criminal Code of the Russian Federation (Restriction of Competition), as well as the number of sentences passed under this article, increased.</p>

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	The introduction of the SEII system contributes to a more efficient receipt of the necessary information (including from the tax authorities, the bailiff service, etc.), which also reduces the time spent on antimonopoly investigation.
Turkey	The TCA has signed bilateral agreements to cooperate with other governmental bodies such as Personal Data Protection Authority and Information and Communication Technologies Authority to share information and promote competition.
United States	<p>There have been no legislative changes impacting the Antitrust Division's relationship with other governmental bodies, however, as discussed below, the Antitrust Division has expanded its relationship with the Federal Bureau of Investigation (FBI), 29 U. S. Attorneys Offices and U.S. law enforcement partners in the Procurement Collusion Strike Force (PCSF), and the U.S. Securities and Exchange Commission, by means of a Memorandum of Understanding (available here: https://www.justice.gov/atr/page/file/1290251/download)</p> <p>For more information about the PCSF, please see https://www.justice.gov/procurement-collusion-strike-force</p> <p>These relationships have improved our enforcement efforts.</p>

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XIII.PRIVATE ENFORCEMENT OF COMPETITION LAW

Competition Authority	Supplemental Excerpts
Austria	Implementation of the EU Damages Directive into §§ 37a to 37m Austrian Cartel Act. Improvement of the position for harmed natural or legal persons seeking redress for loss occurred due to competition law infringements via private damages claims.
Belgium	Implementation of EU directive
Chile	Since 2016, Class actions are explicitly available to recover damages after a civil/administrative violation is established. Follow-on damages claims are now to be followed before the same Court responsible for establishing the violation of competition provisions.
Croatia	(2013.) New legal provisions in Croatian competition law concerning private enforcement and Commercial courts jurisdiction, implementation of Council Regulation (EC) No 1/2003 provisions in Croatian Competition law; enforcement improved
Cyprus	Enactment of Private Damages Law in 2017 Harmonization with the European Union Act entitled "Directive 2014/104 / EU of the European Union
Czech	Enforcement improved, issuance of new Act No. 262/2017 Coll., on Competition Damages
Denmark	Due to the EU Directive on damages, an Act of damages related to competition infringements has been introduced
EU	<p>In November 2014, the European Parliament and the Council adopted the Antitrust Damages Directive (Directive 2014/104/EU). All Member States had transposed the Directive in their legal systems by 2018.</p> <p>The twofold goal of the Directive is: (i) to facilitate victims' effective claim for full compensation for the harm suffered as a result of an antitrust infringement and, (ii) to fine-tune the interplay between public and private enforcement of EU antitrust law.</p>

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	<p>Some of the benefits for claimants that the Directive brings with it are: (i) National courts can order companies to disclose relevant evidence when victims claim compensation, under confidentiality restrictions; (ii) a final decision of a NCA finding an antitrust infringement can be used as a proof before the courts of the same Member State; (iii) a minimum period of one year to claim damages after a final infringement decision; (iv) passed-on damages allowed; (v) facilitation of settlements.</p> <p>Since 2014, the number of damages actions before national courts has significantly increased and damages actions have become much more widespread in the EU (Approx. 50 damages judgments in 2014 compared to 239 in 2019).</p>
Finland	<p>Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union has been implemented as per Article 21 of the Directive. No discernible effect to date.</p>
Germany	<p>With the implementation into German law of the EU directive governing actions for damages for infringements of competition law (Directive 2014/104/EU) in 2017, the rights of injured parties claiming for damages were further strengthened and the enforcement of claims simplified.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Under section 108 of CO stand-alone actions are not permitted in Hong Kong. Under section 110 of CO, follow-on right of action is allowed.</p>
Hungary	<p>According to the implementation of the Directive 2014/104/EU, the new regulation for the enforcement of civil claims based on the violations specified in Articles 101 and 102 TFEU complement the public legal instruments of the competition authority. The regulation intended to harmonize these two forms of enforcement in a coherent way.</p> <p>Both private enforcement of competition law and private damage claims are possible in the Hungarian jurisdiction.</p>
Ireland	<p>A number of cases make their way through the High Court</p>

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	Competition (Amendment) Act 2012 An Irish court finding that an undertaking has breached competition rules shall be res judicata for the purposes of any subsequent civil proceedings.
Israel	<p>A class-action support fund has been set up under law and is administered by a committee comprised of representatives of the Ministry of Justice and other government bodies, including the ICA. Several of the class actions which have received support from the fund have been against cartel members.</p> <p>Another amendment made it easier for private plaintiffs to sue foreign cartel members in Israeli courts. The proper interpretation of this amendment is now before the Supreme Court.</p> <p>Support for private class actions against cartel members is expected to increase deterrence and to provide compensation for cartel victims.</p> <p>Making it easier to sue foreign cartel members is expected to make it easier for cartel victims to obtain compensation for their damages.</p>
Italy	Legislative Decree No. 3, dated January 19, 2017, implementing Directive No. 2014/104/EU on actions for antitrust damages (“Damages Directive”), lays down the specific rules concerning claim for damages due to infringement of EU and Italian competition law.
Mexico	Even though there are legal provisions in place since 2014, there is no sturdy private law enforcement regarding civil lawsuits for competition matters (such as seeking damages). However, COFECE has undergone continuous efforts of promotion and awareness to permeate a private enforcement culture.
Poland	EU Directive 2014/104/EU on private enforcement was implemented into our national laws. However, we believe that so far it has not brought many changes to the anti-cartel enforcement in our jurisdiction.
Russia	<p>The third antimonopoly package in the new part 3 of Art. 37 of the Law on Protection of Competition introduced the right of persons whose rights and interests have been violated as a result of violation of antimonopoly legislation, to apply to the court with a private claim. This was an important stage in the formation of the system of private lawsuits in Russia (2011-2012).</p> <p>In 2016, the FAS Russia approved Clarifications No. 6 of the Presidium of the FAS Russia “Proof and calculation of losses/damages caused by violation of antimonopoly legislation”.</p>

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	The possibility of applying civil liability (the institution of private and / or class actions) in cases of anti-competitive agreements has been introduced.
Spain	New rules on damages actions following the entry into force of the implementing legislation after the Damages Directive (which in Spain entered into force in May 2007). Hence, CNMC will not provide copies of the leniency statements as such disclosure would impair the effectiveness of the leniency programme and weaken the fight against cartels. Further, as a legal safeguard to protect leniency statements and prevent dissemination of that information, if those leniency statements are provided, theses will not be accepted in the damages actions. Beside, Spanish rules on the private enforcement of competition law provide for exceptions to the principle of joint and several liability benefiting immunity or leniency applicants.
United States	<p>In October 2020, the Antitrust Criminal Penalty Enhancement and Reform Act (ACPERA) was made permanent. Originally passed in 2004, the law provides that a successful applicant under the Antitrust Division's Corporate Leniency Policy has its exposure to civil damages limited to its pro rata share of the total damages before trebling, provided that the company cooperates with the plaintiffs in the civil actions. ACPERA was due to expire in 2020, and in October 2020, ACPERA was signed into law, making it a permanent fixture of our enforcement regime.</p> <p>This change has improved our enforcement efforts.</p>

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XIV.DIGITAL EVIDENCE GATHERING

Competition Authority	Supplemental Excerpts
Austria	Clarification on access principle for seizure of data during inspections: all documents, which are electronically accessible on site, may be copied by the BWB, regardless of the location of the server; Daily penalties since 2017 if companies are not cooperative regarding securing electronic data during dawn raids.
Canada	<p>-In July 2019, the Bureau hired a Chief Digital Enforcement Officer (CDEO) to help it keep pace with evolving technologies and business practices in the digital economy. The CDEO will help the Bureau to implement new intelligence-gathering tools, such as advanced analytical models, algorithms, automated processes, and artificial intelligence capabilities, as well as develop a digital strategy.</p> <p>-In April 2015, the Bureau issued the Production of Electronically Stored Information Enforcement Guidelines to inform businesses of its preferred format for receiving electronically stored information during an investigation.</p> <p>Impact: Improved</p>
Croatia	(2013.) extended legal provisions concerning conduct of dawn raids; (2013.); enforcement improved
Czech	Enforcement improved, quicker search of electronic documents during dawn raids by using special software
Denmark	<p>Expanded time frame for searching electronic material. Has led to better and thorough investigation.</p> <p>A number of other minor adjustments</p>
Dominican Republic	We have acquired a software for information recollection during dawn raids. we have not been able to use it yet.
EU	In line with technical progress and more powerful IT equipment DG Competition like any other agency is constantly upgrading its tools for digital evidence gathering

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	<p>These tools allow to more quickly review large amounts of data during inspections of undertakings (“dawn raids”) in view of finding documents relevant for the investigation.</p> <p>DG Competition has set up a dedicated unit staffed with IT experts and forensic intelligence capacity, who have been working on improving data analysis.</p>
Germany	<p>The Bundeskartellamt has a number of documents which reflect best practices on ICN level, e.g. digital evidence gathering guidelines for dawn raids.</p>
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. As discussed above, under section 41 of CO, CC has the power to obtain documents and information, including digital evidence. Under section 48 of CO, CC can apply for warrant to enter and search premises to obtain evidence, including digital evidence.</p>
Hungary	<p>With the transposition of ECN+ Directive, the GVH can consider covert recordings made by natural or legal persons which are not public authorities, provided those recordings are not the sole source of evidence.</p> <p>Furthermore, on the summons of the case handler or the competition council proceeding in the case, the parties shall be obliged to disclose the data necessary for the clarification of the facts of the case and for the successful completion of the proceedings, in the case of electronic data, regardless of the place and method of data storage, including personal data and —unless precluded by the act of law governing the protection of the data concerned —privileged information as well.</p> <p>As of 2013 the GVH set up – beyond the Cartel Unit – a separate unit, the Cartel Detection Unit, in order – inter alia – to perform evidence gathering tasks more efficiently. The Cartel Detection Unit is responsible for the detection of cartels and collects, analyses, and</p> <p>processes all the information that is necessary for the initiation of competition supervision procedures: furthermore, it carries out unannounced inspections (‘dawn raids’).</p> <p>The use of forensic-IT procedures is a special area of expertise of the Cartel Detection Unit, the development of which is strongly promoted by the GVH, including the development of tools, software,</p>

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	and the training of the staff. An employee of the GVH is a member of the Forensic IT working group set up by the ECN.
Ireland	<p>The Criminal Enforcement Division established a Digital Investigations Unit in 2016</p> <p>Standalone unit to assist in searches and analysis of electronic documents and communications.</p>
Israel	<p>New Guidelines have recently been published for computer searches, including smartphones, in order to minimize invasion of privacy. Among other things, the new Guidelines require more precise definition of the requested search in the application for a search warrant. The Guidelines also call for search for key words etc., rather than individual review of every item. The Guidelines also require precise disclosure to the defense of how the computer search was conducted as well as mapping out for the defense the seized computer materials.</p> <p>The effect of the new Guidelines in practice remains to be seen, but it seems that in some ways they will limit the ICA somewhat in conducting computer searches and in other ways they may provide for more efficient computer searches.</p>
Japan	<p>The 2019 amendment to the Antimonopoly Act introduced procedures for gathering electronic record in criminal investigation.</p> <p>The part above in the amended act came into force on January 1, 2020 and gathering electronic record in the criminal cases in a timely and accurate manner became possible.</p>
Mexico	<p>Since 2011 on-site inspections involve digital evidence gathering, so a specialized IT forensics team was created to achieve the task. In this regard, the IT forensics team has undergone several trainings from other competition agencies such as the DOJ and set up a laboratory which was funded by USAID. After years of preparation, in 2013 the first on-site inspection with digital evidence gathering was successfully carried out.</p> <p>With the 2013 constitutional reform, an Intelligence Unit was created in 2014. This Unit among other things, integrated the IT Forensics team, specializing in digital evidence gathering. The Unit also has another team that specializes in screenings, web scrapping, data analytics and open source intelligence. These tools have enabled the Carte Unit to initiate ex-officio investigations and has also complemented its investigative tools when gathering information for ongoing investigations using covert investigation techniques.</p>

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	These specialized teams have improved the Commission's cartel enforcement tools.
Poland	<p>Changes in the gathering of digital evidence were the third most prominent change in our enforcement practice. The changes partly followed from legislative changes in 2014 (effective since 2015) and partly from judicial developments. As regards the legislative changes, a division was introduced at the legislative level into 'searches' and 'inspections', the former being applicable typically in cartel investigations and providing us with more leeway in the organisation of our investigative efforts on the site of dawn raids. The legislative changes also included a clear legal basis to collect digital evidence from the cloud, irrespective of whether evidence is stored on company servers on the searched premises, outside those premises, or on a third party servers in our jurisdiction or outside our jurisdiction ('access principle'). The impact of these changes on our enforcement practice was clearly positive.</p> <p>As regards the judicial developments, on the other hand, due to a ruling rendered in 2017, we are now de facto forced to perform a pre-selection of digital evidence on the premises of the searched undertaking. In other words, we are no longer in a position to obtain binary copies of electronic devices to inspect them on our own premises outside the scope of a dawn raid (we can obtain binary copies, but we need to inspect them on the site of dawn raid). This change significantly affected our ability to organise dawn raids and exerts much pressure on our resources. We expect that at least to some extent this negative development will be mitigated by the implementation of EU Directive 2019/1 (ECN+), which will provide us with a power to conduct continued inspections (continued searches).</p>
Russia	<p>The Law on Protection of Competition provides for the antitrust authority to collect digital evidence. Thus, in accordance with Article 25 of the Law on Protection of Competition, the FAS Russia has the right to receive information, including information made in the form of a digital recording or in the form of an electronic recording.</p> <p>Based on this article, the FAS Russia receives information about IP addresses, MAC addresses of devices; log logs; properties of files of documents and (or) e-mails, etc.</p> <p>According to Article 25.3 of the Law on Protection of Competition, during the inspection procedure as part of a nonscheduled dawn raids, the inspection staff has the right to make copies of documents, as</p>

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	<p>well as make copies of electronic media. Thus, the antimonopoly authority can gain access to the electronic correspondence of the inspected person, etc.</p> <p>At the same time, in order to optimize the collection and analysis of digital evidence, the FAS Russia is developing a special program - the automated information system "AntiCartel".</p> <p>To date, two modules of the "AntiCartel" have been developed and successfully implemented in the work of the FAS Russia and all regional offices.</p> <p>These modules allow to automatically identify signs of anticompetitive behavior of bidders according to specified criteria, as well as to determine the degree of affiliation of various economic entities with each other.</p>
Spain	<p>To reinforce cartel detection and investigation with a very proactive approach, in 2018 was created within the CNMC an Economic Intelligence Unit, using business intelligence tools (artificial intelligence, machine learning, deep learning, Microstrategy, SPSS, STATA, OSINT/HUMINT) and also access to Public Procurement Platform.</p>
Turkey	<p>Enforcement improved, quicker search of electronic documents during dawn raids by using special software.</p>

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XV.OTHERS

Competition Authority	Supplemental Excerpts
Brazil	Whistle-blowers. Federal Law 13608/2018 and Directive 292/2019 grant confidentiality to the identity of bona fide whistle-blowers for 100 years. These changes are relatively recent and require time before their effects are fully unfolded and assessed.
Canada	<p>The Bureau issued a statement in April 2020 (https://www.canada.ca/en/competition-bureau/news/2020/04/competition-bureau-statement-on-competitor-collaborations-during-the-covid-19-pandemic.html) to provide general guidance on how the Commissioner intends to use his enforcement discretion with respect to COVID-19 related collaborations and outline a process for parties to seek informal case-specific guidance on an expedited basis.</p> <p>Impact: N/A (too early to tell)</p>
Hungary	<p>Informant reward</p> <p>As of 2010 persons (informants) who provide indispensable information about hardcore cartels may be entitled to obtain a reward under conditions specified by law.</p> <p>Considering that hardcore cartels cause serious harm to the economy and it is very complicated to detect them, according to the legislation, it is justified to reward those informants who provide the GVH with indispensable information for revealing and detecting hardcore cartels. The informants who disclose the existence of a cartel (e.g., employees, business partners) take financial risk because of the cartelists- possible revenge; this risk has to be counterbalanced in order to maintain their motivation to assist in the enforcement of the law.</p>

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Israel	<p>A recent Supreme Court decision has held that in money-laundering cases based on bid-rigging, the assets to be forfeited upon conviction should in principle be equal to the entire amount of payments made under the contract obtained through bid-rigging, and not limited (as had been argued) to profits or to excess cartel profits.</p> <p>This decision allows for forfeiture in greater sums than some courts had been willing to allow. Forfeiture in greater sums is expected to increase deterrence.</p>
United States	<p>In December 2020, the Criminal Antitrust Anti-Retaliation Act was signed into law. The Act prohibits employers from retaliating against certain individuals who report criminal antitrust violations. The legislation incentivizes disclosure of anticompetitive conduct, which will strengthen the Antitrust Division's enforcement efforts.</p>

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B. CREATION OF NEW INVESTIGATIVE POWERS

I. ADOPTION OF A LENIENCY PROGRAM

Competition Authority	Supplemental Excerpts
Bulgaria	Our Leniency Program has been adopted in 2011. So far we have received 5 leniency applications in total, in 2 cartel cases.
Czech	On 4 November 2013, the Office updated and modernized Leniency program of the Office, there has been increase in number of leniency application in recent years
Cyprus	Yes in 2011
Hong Kong	<p>CO came into full effect on 14 December 2015. Section 80 of CO permits CC to agree not to seek any pecuniary penalty for any alleged contravention of a competition rule against a person in return for that person's cooperation in an investigation or proceedings under the Ordinance. CC and the person will conclude a leniency agreement to this effect. CC issued the Leniency Policy for Undertakings Engaged in Cartel Conduct (issued in November of 2015 and revised in April of 2020) and the Leniency Policy for Individuals Involved in Cartel Conduct (issued in April of 2020). The CC also has published a Cooperation and Settlement Policy in Leniency is a key investigative tool used by competition authorities around the world to combat cartels. Cartels differ from other types of anti-competitive conduct. First, they are universally condemned as economically harmful. Second, cartels are usually organised and implemented in secret, making them difficult to detect. An effective leniency program will increase the risk of cartels being detected and therefore the risk and cost of participating in a cartel. This in turn deters the formation of cartels that would otherwise prevent, restrict or distort competition in Hong Kong. Operating under a prosecutorial model, leniency and cooperation facilitates investigations and assists the CC in proving cases before the CT due to the cooperation provided by the applicant undertakings and its employees.</p> <p>To date, the CC has completed and publicized the enforcement outcomes of one investigation which originated from leniency (a case on price fixing in the form of information exchange).</p>

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Hungary	In Hungary, leniency policy was introduced in December 2003 with the aim of providing an effective tool for detecting and fighting cartels. Since then, it has been amended in 2009, 2013 and in 2017.
Poland	While our leniency programme has been in place for a long time, in 2014 (effective since 2015), new provisions concerning leniency were adopted leading to the adoption of a leniency programme for individuals (managers) and the adoption of a ‘leniency plus’ programme – in a sense, two new leniency programmes. We believe that in the long run leniency for managers will have a positive impact on our detection rates both directly (individuals will apply for leniency) and indirectly (corporate entities will be more likely to file corporate leniency to protect their employees). As regards leniency plus, our experience with this policy is currently negative. Leniency plus has not led so far to valuable filings and at the same time it created incentives to self-report minor offences to possibly obtain high fine reductions in high profile cases or simply to create grounds for further litigation in case we reject a leniency plus application. We are considering initiating legislative changes which would narrow down leniency plus to make it more directed at most harmful infringements.
Russia	<p>The provisions for the application of the leniency program are enshrined in a note to article 14.32 of the Code of Administrative Offenses of the Russian Federation. The position was first consolidated in 2007.</p> <p>In 2011, changes were made to clarify the requirements for the statement of exemption from liability; the grounds on which siltation cannot be submitted are indicated.</p> <p>The note 5 to the Code of Administrative Offenses of the Russian Federation has been introduced, providing for the possibility of filing an application for the second and third surrender.</p> <p>In 2017, Notes 1 and 5 to Article 14.32 of the Administrative Code were changed and supplemented.</p> <p>Note 5 is supplemented by a provision on the possibility of a group of persons reporting a violation, which was previously possible only for the first appeal.</p> <p>In 2011, changes were made to clarify the requirements for the statement of exemption from liability; the grounds on which siltation cannot be submitted are indicated.</p> <p>Note 5 has been introduced to the Code of Administrative Offenses of the Russian Federation, providing for the possibility of filing an application for the second and third surrender.</p>

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In 2017, Notes 1 and 5 to Article 14.32 of the Code of Administrative Offenses of the Russian Federation were changed and supplemented. Note 5 is supplemented by a provision on the possibility of a group of persons reporting a violation, which was previously possible only for the first applicant.

With the changes introduced, the popularity of the institution of leniency has increased. This is also confirmed by statistics.

In 2011, within the framework of leniency program, about 11 applications were filed against 137 in 2019.

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II.EXPANDED SEARCH POWERS

Competition Authority	Supplemental Excerpts
Austria	Clarification on access principle for seizure of data during inspections.
Brazil	On-site search and seizures conducted without notice or warrant make it possible to find out elements that characterise a cartel conduct. Nonetheless, the instrument has not been used in cartel investigations so far and is generally not adopted due to the fact it depends on the inspected person's permission, which eliminates the element of surprise that is so useful in investigations.
Czech	Searching the mobile phones during the dawn raids
Denmark	Expanded time frame (from 25 days to 40 days) for searching electronic material. Has led to better and thorough investigation.
EU	See Recitals (30) to (33) and Article 6(1) c. Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market- OJ L 11/3, 14 January 2019. This directive has to be transposed by 4 February 2021 at the latest. For DG Competition there have been no substantive changes of search powers.
Germany	In 2015 and 2016, the competent courts have strengthened our search powers to seize electronic documents: According to the case law of the Bonn Local Court and the Bonn Regional Court, the filtering of provisionally seized data via a keyword search justifies the assumption of potential evidentiary relevance of the data thus identified and marked on the basis of search terms: The selection of keywords already ensures the potential evidentiary relevance of the marked data. This keyword-based potential significance of the material to be seized at the time of the seizure order is decisive and sufficient for the seizure of the identified data.
Hong Kong	Dawn raids have enabled the CC to search the premises of the subjects and preserve evidences which the subjects may not hand over to CC under other means of obtaining evidence. Such evidence has

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	been used in CT proceedings where the CC has successfully established contraventions of the First Conduct Rule.
Hungary	<p>The changes brought about by the ECN+ Directive provide the GVH with the power to obtain all information related to the undertaking subject to the investigation, including in digital form, irrespective of the medium on which it is stored.</p> <p>Increased effectiveness of competition law enforcement in order to meet the enforcement challenges of the digital environment, including data obtained forensically, irrespective of the medium on which the information is stored, such as on laptops, mobile phones, other mobile devices or cloud storage.</p>
Ireland	<p>“... take any other steps which appear to the officer to be necessary for preserving, or preventing interference with, such books, documents or records; ...to give to the officer such information as he or she may reasonably require in regard to any entries in such books, documents or records, and where such books, documents or records are kept in a nonlegible form to reproduce them in a legible form; ... at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter and search the place using reasonable force where necessary, and exercise all or any of the powers conferred on an authorised officer under this section.”</p> <p>Competition and Consumer Protection Act 2014 Section 37 (8), (9) and (10). A person guilty of an offence under subsection (8) shall be liable— (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years, or both.</p>
Italy	Despite no statutory changes, the evolution of the AGCM practice and case-law have expanded AGCM search to include inspections on business documents on electronic support (e.g., desktop PC, laptop, tablets and smartphones) and which are in the availability of the undertaking inspected (i.e., electronic files stored on company’s cloud system, not just those stored locally). The transposition of the Directive 2019/1/EU will codify the above-mentioned practices into the national legislative framework.
Japan	<p>The 2019 amendment to the Antimonopoly Act introduced procedures for gathering electronic record in criminal investigation.</p> <p>The part above in the amended act came into force on January 1, 2020 and gathering electronic record in the criminal cases in a timely and accurate manner became possible.</p>

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Mexico	<p>Throughout the last ten years, new search powers have been added regarding on-site inspections. In 2011:</p> <ul style="list-style-type: none">- The power to perform unannounced on-site inspections, the Anti-Cartel Unit was granted the powers to conduct on-site inspections without the need to have previous contact with the undertakings involved.- It is now possible to use electronic search devices using IT Forensics tools in on-site inspections. <p>These changes were updated in 2014:</p> <ul style="list-style-type: none">- The Commission's powers in on-site inspections increase as it now has the possibility to conduct on-site interviews or to request information. <p>As the Commission's search powers increase, so does its capacity for cartel enforcement.</p>
Poland	<p>In 2014 (effective since 2015) our search powers were extended by stipulating that searched entities are obliged to provide access to all data available to them irrespective of whether data is stored on their own infrastructure or third party infrastructure. While the introduction of this power did not bring immediate and easily visible changes (parties had not contested our request in that respect before 2014), we believe it is a highly important power, preventing searched entities from engaging into legal arguments which could significantly impede the effectiveness of our searches.</p>
Sweden	<p>ECN+ (will be implemented March 1, 2021) will bring some change or clarifications with respect to search powers. E.g. the competition authority will have a right to temporarily seize materials during dawn raids in order to finalize the review at the authority's facilities.</p>
Turkey	<p>Enforcement improved, quicker search of electronic documents during dawn raids by using special software.</p>

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III.CHANGES IN LENIENCY PROGRAM

Competition Authority	Supplemental Excerpts
Austria	Minor clarifications and updates published in the Handbook on Leniency on the BWB website.
Brazil	<p>Law 12529/2011 made allowance for cartel leaders to apply for a leniency agreement (that in Brazil is an immunity programme). With this new provision, CADE experienced an increasing number of applications.</p> <p>Between 2003 and 2011, 23 leniency agreements were executed; between 2012 and 2020, 78.</p>
Chile	The FNE introduced important changes to its leniency guidelines after cartels were criminalized. New revised guidelines were released in 2017.
Croatia	Adoption of summary application provisions; enforcement improved
Denmark	There has been a number of minor adjustments in the leniency program since the introduction of the program in 2007.
Germany	<p>Already in 2000, the Bundeskartellamt introduced its leniency programme which was fundamentally revised in 2006.</p> <p>In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act). In January 2021, the 10th amendment to the German Competition Act has entered into force as the “Act Amending the Act against Restraints of Competition for a focused, proactive and digital competition law 4.0 and amending other competition law provisions” (“GWB-Digitalisierungsgesetz” - GWB Digitalisation Act). The current Leniency Programme has been newly codified into the German Competition Act without substantial changes, but will increase legal certainty.</p>
Hong Kong	After the initial issuance of the Leniency Policy for Undertakings Engaged in Cartel Conduct in November 2015, it was revised in April 2020, and the Leniency Policy for Individuals Involved in

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Cartel Conduct was issued in April 2020. Based on its experience accumulated since the CO came into full effect, the CC has reviewed and revised its leniency framework with a view to strengthening its efficacy and comprehensiveness, providing stronger and clearer incentives for a cartel member to stop the cartel conduct and report it to the CC, thereby strengthening enforcement and furthering victim recovery.

Major revisions to the Leniency Policy for Undertakings include: 1. Creating a distinction between applications for leniency depending on whether they are received before or after the CC has opened an initial assessment or investigation of the conduct. Under this revision, leniency is available for the first cartel member that either:

- Type 1. discloses its participation in a cartel of which the CC has not opened an initial assessment or investigation, or
- Type 2. provides substantial assistance to the CC's investigation and subsequent enforcement action of a cartel which the CC is already assessing or investigating; and meets all the requirements for receiving leniency.

2. The CC will agree not to commence proceedings before the Competition Tribunal against a successful leniency applicant (both Type 1 and Type 2) in relation to the conduct covered by the leniency agreement. This includes not bringing proceedings for an order declaring that the successful leniency applicant has contravened the CO.

3. For Type 2 leniency applicants only, in the event of follow-on action for damages being initiated in relation to the conduct covered by the leniency agreement, the CC may issue an infringement notice to them, requiring a commitment to admit a contravention of the First Conduct Rule, in order to permit the initiation of follow-on proceedings against them.

4. An undertaking that is clearly the single ringleader of a cartel will be disqualified from obtaining leniency. Same as the existing policy, the leniency for an undertaking will also extend to its current, and possibly former partners, agents, employees and officers, provided that they fully and truthfully cooperate with the CC.

A new Leniency Policy for Individuals has been introduced to enhance the comprehensiveness of the CC's leniency programme. Individuals involved in cartel conduct, such as employees of a company, can now seek leniency under this policy.

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Hungary	<p>In the past 10 years the GVH fine-tuned its leniency policy. The GVH issued two notices, No. 14/2017 and No. 2/2016 on the leniency on the application of the rules on leniency pursuant to Article 78/A of the Hungarian Competition Act in order to lay down the principles that the law enforcement agency follows when applying legal provisions.</p> <p>Since the GVH experienced low number of leniency applications, with the amendments of leniency policy the aim was to provide incentives for the submission of leniency applications, for e.g., by mitigating the liability of leniency applicants concerning the payment for damages caused by the cartel and by covering hub&spoke type infringements and certain vertical agreements.</p>
Italy	<p>The AGCM leniency program has been updated in 2013 to align it to the ECN Model Leniency Programme.</p>
Japan	<p>The 2019 amendment to the Antimonopoly Act introduced a system which added the reduction rate according to the degree of the enterprise's cooperation for the JFTC's investigation to the reduction rate according to the order of application.</p> <p>The 2019 amendment to the Antimonopoly Act also abolished the limit on the number of applicants to the leniency program.</p> <p>The part above in the amended act came into force on December 25, 2020. It is expected that it will make a positive impact on future cartel enforcement by the JFTC.</p>
Mexico	<p>Important changes have been made to the Leniency Program in 2011:</p> <ul style="list-style-type: none"> - People (not only firms) and cartel enablers are now allowed to apply to the program. - Clear provisions regarding confidentiality are introduced, ensuring the protection of both the firm and/or the people involved in the practice. - Leniency applicants will now have criminal immunity. <p>In 2014, with the new competition law, some changes are made to the program:</p> <ul style="list-style-type: none"> - The new Federal Economic Competition Commission (COFECE) has now two separated branches, the investigative one and the ruling one, in this sense, the board of Commissioners is no longer involved in granting conditional leniency, just approving final leniency at the end of the

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	<p>proceedings. The Investigative Authority has complete independence in handling the leniency program in the investigation phase.</p> <ul style="list-style-type: none"> - There are now two standards of cooperation, the applicant can provide enough information and documents to presume the existence of an unlawful conduct, or enough evidence to initiate an investigation satisfying the legal standard. - now the leniency applicants can provide information related with the conduct and have also the possibility to provide enough information and documents to initiate an investigation complying with the legal standard. - With the new law, COFECE published an updated Leniency Guidelines in 2015. <p>The changes made to the Leniency Program have made it a more robust program, strengthening its appeal and having as a result an improved cartel enforcement.</p>
Poland	<p>In 2014 (effective since 2015) our leniency programme was revised in a number of ways – the major one was making it harder for applicants to obtain immunity if we already have some substantial evidence at our disposal (which puts more pressure to file a leniency application before a dawn raid, rather than wait until we start an investigation).</p>
Russia	<p>In 2011, changes were made to clarify the requirements for the statement of exemption from liability; the grounds on which siltation cannot be submitted are indicated.</p> <p>Note 5 has been introduced to the Code of Administrative Offenses of the Russian Federation, providing for the possibility of filing an application for the second and third surrender.</p> <p>In 2017, Notes 1 and 5 to Article 14.32 of the Code of Administrative Offenses of the Russian Federation were changed and supplemented. Note 5 is supplemented by a provision on the possibility of a group of persons reporting a violation, which was previously possible only for the first applicant.</p> <p>With the changes introduced, the popularity of the institution of leniency has increased. This is also confirmed by statistics.</p> <p>In 2011, within the framework of leniency program, about 11 applications were filed against 137 in 2019</p>

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Spain	As we said before, on June 2013 Communication on Leniency Programme, developing Articles 65 and 66 Competition Act 15/2007, 3 July 2007. This Communication seeks to contribute to enhancing the transparency and predictability of the Spanish Leniency Programme, taking into account the experience accumulated since the programme came into force in Spain in 2008, in particular, about issues such as confidentiality and access to leniency applications, duty of leniency applicant to cooperate, the determination of the significant added value and so on. Beside, in 2016 the CNMC undertook an assessment effort of this program, sending a questionnaire to the law firms that have submitted a greater number of leniency applications, both at the national and European level. After receiving the answers to this questionnaire, on 19 December 2016 a conference was held at the CNMC to assess the results of there responses and to exchange views on potential modification of the program that may improve its effectiveness.
Sweden	ECN+ (will be implemented March 1, 2021) will bring some change. E.g. one existing possibility for companies to be granted leniency will be removed in order to harmonize the national leniency provisions with EU law.

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IV. NEW POWERS TO INTERROGATE OR OBTAIN STATEMENTS FROM WITNESSES

Competition Authority	Supplemental Excerpts
Cyprus	New Article 30(A) in national Competition Law
Germany	Pursuant to ECN+ Directive, the Bundeskartellamt is empowered to require undertakings to provide all necessary information for the application of EU competition law through requests for information. With these new powers having been in effect only since January 2021, it is too soon to evaluate the extent of the empowerment in practice.
Hong Kong	CO came into full effect on 14 Dec 2015. Under section 42(1) of CO, CC may require any person to appear before it, at a specified time and place, to answer questions relating to any matter CC reasonably believes to be relevant to an investigation. The witnesses may incur criminal liability if they fail to comply with the requirement (section 52 of CO) or provide false or misleading information to CC (section 55 of CO). The provisions ensure that the witness will provide information relevant to CC's investigation.
Hungary	<p>As of 2018, witnesses and any other persons contacted may be interviewed about personal data and privileged information as well, and they are obliged to make such data and information available to the GVH unless this is precluded by the act of law governing the protection of the data concerned. With regard to privileged information, exemption from confidentiality shall be deemed to have been granted, with the exception of classified information. The case handler and the competition council proceeding in the case may, at the request of a witness, allow the witness to give evidence in writing following or in lieu of an interview. The fact that witness evidence has been given in writing shall not preclude the summoning of the witness to an interview.</p> <p>The possibility to interview witnesses in writing opens to those who are permanently abroad or for other reasons are unable to be interviewed in person.</p>
Mexico	The most important change regarding COFECE's powers to interrogate or obtain statements from witnesses is introduced in 2014 within the expanded search powers. The Commission has now the powers to conduct on-site interviews or to request information during on-site inspections.

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Spain	The reform in 2021 of the Spanish Competition Act 15/2007 includes a new article 39 bis which enables CNMC to interview witnesses, both at the Authority or company's premises.
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V.WIRETAP AUTHORITY

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC does not have explicit powers under the CCA to wiretap, however, the ACCC can use materials obtained through telephone interception pursuant to the Telecommunications (Interceptions and Access) Act 1979 (Cth) in investigations of criminal cartel offences if conducted jointly with interception agencies such as the AFP. This has been a particularly useful tool following the criminalisation of cartels.</p> <p>From our experience, using a combination of covert and overt investigative tools (for example, search warrants, call charge records and notices compelling the production of documents) can assist in obtaining evidence, generating intelligence and securing the cooperation of key informants and witnesses.</p>
Denmark	<p>Along with the introduction of imprisonment in cartel cases, the possibility of wiretapping was also introduced.</p>
Israel	<p>Setting the maximum jail term for restrictive arrangements at 5 years without need to prove aggravating circumstances (see above under Question #1) makes all restrictive arrangements felonies, so all cartel investigations can now include wiretapping, subject to obtaining a court warrant.</p> <p>Increased availability of wiretapping may assist in certain cartel investigations which previously were ineligible for court-ordered wiretapping.</p>
Poland	<p>While we are not empowered to use wiretaps on our own and we are not in a position to ask any other authorities to use wiretaps following our instructions, over the course of the last 10 years the use of wiretap evidence in our investigations increased. This is mostly due to establishing closer cooperation with prosecutors and partly also due to changes in criminal procedure in our jurisdiction. We consider these developments positive, as without formally obtaining wiretap powers, through cooperation with other authorities we were able to obtain evidence and prove cartel arrangements in a number of our</p>

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	own investigations. However, this concerns only bid rigging cartels which are investigated in parallel by us and by public prosecutors under criminal law.
Russia	<p>The FAS Russia does not have the power to wiretap telephone conversations and carry out other operational-search measures. At the same time, within the framework of interaction with law enforcement agencies, as well as in accordance with the Law on Protection of Competition and Article 161 of the Criminal Code of the Russian Federation, the antimonopoly authorities have the right to receive copies of the materials of the criminal case.</p> <p>To date, the FAS Russia has prepared and submitted to the State Duma of the Russian Federation a draft law providing for the addition of the Law on Protection of Competition with a new article providing for the right of the antimonopoly body to seizure (seizure) during a nonscheduled dawn raid.</p>

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VI. USE OF NEW TECHNIQUES AND TECHNOLOGIES

Competition Authority	Supplemental Excerpts
Austria	Improvement of technical equipment and IT knowledge, especially for inspections and data evaluation.
Belgium	Update of relevant forensic IT tools
Brazil	We used digitised public databases to detect evidence of cartels (our so-called Brain Project). With these data, we applied methods from scientific literature and competition agencies around the world. These techniques gather statistical and indirect evidence that can help fight anticompetitive practices. Thus far, they enabled CADE to detect a new collusive agreement, in addition to countless pieces of circumstantial evidence in investigations launched through other means.
Canada	<p>--See digital evidence gathering response in the previous section [CC(1)].</p> <p>-Amendments to the <i>Criminal Code of Canada</i> (“<i>Criminal Code</i>”) [CC(2)], which came into force in March 2015, added the following new powers: Preservation demands (s. 487.012) and preservation orders (s. 487.013) to preserve computer data, production orders to trace communications (s. 487.015), production orders to obtain transmission data (s. 487.016) and production orders to obtain tracking data (s. 487.017). These new powers can only be used against persons who are not subject to the investigation. Section 492.2 of the <i>Criminal Code</i> [CC(3)] was also amended. Under this section, law enforcement officials can apply for a warrant authorizing the installation of a transmission data recorder on a telephone or telephone line. These tools enable the Bureau to preserve and obtain data that may not be kept in the ordinary course of business (e.g., instant messages) or that may be easily and quickly destroyed or altered.</p> <p>-The Bureau has developed new digital tools and innovative processes to optimize its ability to handle large volumes of data, such as, robotic process automation to reduce manual data entry.</p>
Chile	Last year the FNE created an Intelligence Unit. This Unit will be in charge of running a cartel detection system based on data science, which is currently under development by economists and data scientists. This new unit will also work on the improvement of available investigative techniques, including the preparation and execution of dawn raids and wiretaps, the development of intelligence

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	based on open, public and private sources, as well as fostering collaboration with international teams and agencies. Additionally, this team will seek to implement a follow-up program aiming to provide support to complainants and informants in collusion cases that may require it.
Colombia	The SIC uses different digital tools, acquired externally and developed in-house, to support the detection of potential cartel conducts. It has a specialized IT unit and a forensics lab that was created in 2014, and which is in constant modernization to keep the pace of the evolution of the markets. There hasn't been any changes or developments in the creation of new investigative powers. However, the SIC has been developing artificial intelligence and data analytics tools to enhance detection and therefore cartel enforcement. These tools will empower the anti-cartel enforcement program in as much as it will support the effectiveness of our missions and increase the efficiency of the investigations.
Czech	Yes, we can use forensic software when examining electronic documents, use of machine learning
Denmark	The use of new techniques and technologies is not regulated in the competition Act. However, the DCCA is continuously updated on and make use of new technology – not least when it comes to Forensic IT.
Dominican Republic	The adquisition of a software for information gathering during dawn raids.
EU	<p>In 2019, the Commission launched “eLeniency”, a new tool allowing companies and their lawyers to file statements and submissions online. In particular companies can submit to a dedicated Commission’s secure server:</p> <ul style="list-style-type: none"> - corporate statements - supporting documents - replies to EC requests for information - provide comments or make formal settlement submissions. <p>Within the eLeniency system</p> <p>all data is transferred securely and cannot be copied or printed. The safeguards for ensuring confidentiality are equivalent to the usual oral procedure (in which the lawyers dictate and transcribe their statements only at Commission’s premises in order not to keep a copy). Thanks to e-Leniency all</p>

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	<p>submissions are made directly in writing, but as with oral statements, there is not discoverable document that can be requested by a judge from the company itself.</p> <p>This online tool is available 24 hours a day, 7 days a week.</p> <p>Other new tools are:</p> <ul style="list-style-type: none"> - “eDiscovery”, to find and organize evidence. -“eQuestionnaire” for requests for information. - “Whistleblower tool” as a source for cartel detection. <p>In addition, with the creation of a specialized investigation unit, detection and prosecution activities are carried out with the support of advance digital solutions.</p>
Germany	The online anonymous whistle blowing system launched in 2012 has led to numerous tip-offs.
Hong Kong	The CC has been equipping itself with updated forensic IT equipment and knowhow to conduct investigations effectively in the digital age.
Hungary	<p>IT forensics (e.g., gathering and reviewing digital evidence during/after dawn-raids) and open source intelligence (OSINT).</p> <p>New technologies have increased the effectiveness of the searching and processing of digital evidence.</p>
Israel	<p>The ICA is now using improved technologies for searching computers and smartphones.</p> <p>The new technologies greatly improve the ICA's ability to deal with big data.</p>
Italy	In the pre-inspection phase the new techniques entail: i) on line investigation; ii) open source intelligence; iii) anonymous connection. In the inspection phase, there has an increasing use of forensic search with the help of ad-hoc software.
Mexico	The Intelligence Unit has developed and used several tools in order recollect, process and analyze digital information and data.

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	<p>Particularly it has cluster computing tools for big data such as Apache Spark; statistical, econometric and graph analysis tools through specialized computer programs; cloud computing and artificial intelligence algorithms such as Machine Learning algorithms.</p> <p>These tools are in constantly upgraded and developed in order to fit the investigative needs of the Anti-Cartel Unit, contributing to the cartel enforcement in several markets, adapting to the changes and innovation of markets and of forms of collusion.</p>
Poland	<p>Over the course of the last 10 years, our forensic IT capabilities grew significantly, especially starting from 2017. This includes in particular a routine use of forensic IT software and e-discovery methods, which at the beginning of the period covered by the survey were largely non-existent in competition enforcement in our jurisdiction. More advanced use of forensic IT greatly improved our capability to secure evidence of cartel infringements.</p>
Russia	<p>Over the past 10 years, the FAS Russia has been actively developing new methods and techniques for identifying and proving cartels (anti-competitive agreements).</p> <p>So, by 2015-2016, the Anticartel Department of the FAS Russia has developed and implemented a multi-parameter system to identify anti-competitive behavior. The system was based on the analysis of a large array of information according to a given algorithm in order to identify indicators that indicate the presence of a cartel.</p> <p>At the same time, with the development and widespread digitalization, the antimonopoly body began to develop a special product designed, among other things, to automate the process of identifying and proving cartels (in particular, bid rigging) – AntiCartel.</p> <p>To date, two modules of the AntiCartel have been developed and successfully implemented in the work of the FAS Russia and all regional offices.</p> <p>These modules allow to automatically identify signs of anticompetitive behavior of bidders according to specified criteria, as well as to determine the degree of affiliation of various economic entities with each other. Module development continues.</p> <p>At the same time, the FAS Russia also actively uses in its work other information services available to the department: SEII, IS "Independent Registrator", etc.</p>

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Spain	As we said before, to reinforce cartel detection and investigation with a very proactive approach, in 2018 was created within the CNMC an Economic Intelligence Unit, using business intelligence tools (artificial intelligence, machine learning, deep learning, Miscostrategy, SPSS, STATA, OSINT/HUMINT) and also access to Public Procurement Platform. Besides, in 2016, with the close help of the IT Unit, the CNMC undertook the necessary steps to implement the complete electronic management of proceedings. Currently, virtually all new proceedings are handled electronically, with entails the receipt and notification of documents through a dedicated website.
Turkey	Enforcement improved, quicker search of electronic documents during dawn raids by using special software.

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VII.PROACTIVE CARTEL DETECTION TOOLS

Competition Authority	Supplemental Excerpts
Bulgaria	Screening for bid-rigging. Helps in finding indicators for bid-rigging on the basis of which we apply for a court authorization for a dawnraid.
Brazil	The Brain Project was our greatest innovation. It uses a massive amount of market data to search for evidence of cartels. The system complements our leniency programme and, as it achieves success, adds interest to it.
Canada	<p>-The Bureau has worked on pilot projects with several domestic government agencies to develop bid-screening algorithms to detect bid-rigging, as well as experimentation by the Bureau's internal Screens Project Team. These initiatives are still in development (they will provide additional methods to detect cartel activity and enhance deterrence).</p> <p>-The Bureau established a Criminal Intelligence Unit to provide both tactical and strategic intelligence support to cartel investigators and managers. This will improve the effectiveness and efficiency of investigations by helping to target relevant and probative evidence and increasing the speed of the examination and analysis of evidence.</p> <p>(please note that the aforementioned examples do not involve a change in competition law).</p>
Chile	Please refer to the previous point. During the last ten years, about half of the cartel cases the FNE took to court were based on ex-officio investigations.
Colombia	The SIC has been developing two artificial intelligence and data analytics tools for proactive cartel detection, the pilot projects identified as Sherlock and Sabueso, are aimed at providing modern tools for data analysis so to increase efficiency of the investigations.
Cyprus	Protocol of Cooperation with Public Procurement Authority
Czech	Use of IT software for bid rigging detection
Denmark	The use of proactive measures is not regulated in the competition Act. However, the DCCA continuously develops new methods in order to improve the investigation of cartels.

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Dominican Republic	We have an economic observatory issued every 6 months, as well as a Department of Investigations in charge of monitoring markets for any possible conducts.
EU	<p>In the last years DG Competition has strongly invested to move towards a digital cartel enforcement in order to enhance pro-active detection and prosecution capabilities. For this reason, new professional profiles (such as data scientist, digital investigator, OSINT/WEBINT specialist and tender data analyst) have been recruited to staff a newly created specialised investigation unit. The new digital and investigation skills brought by these professional profiles allowed to boost traditional cartel enforcement methodologies by carrying out advanced intelligence and investigative analysis activities</p> <p>The specialised unit conducts digital investigation by performing</p> <p>investigative data analyses, Open Source Intelligence/Web Intelligence and advanced visualisation solutions, for example, to exploit big dataset acquired through investigative powers, to support complex investigative steps in cases characterized by widespread use of data by companies, to analyse companies algorithms or other AI solutions and to collect information to proactively detect and prosecute anticompetitive conduct.</p> <p>A new tool for detecting cartels is the Whistleblower tool.</p> <p>The tool allows individuals to alert the Commission about any antitrust violations by companies, including cartels. The tool guarantees their anonymity through an encrypted messaging system that allows two-way communications (for example, the Commission can ask for clarification and details). The whistleblower tool is different from the Commission's leniency programme. While the leniency programme is a tool for companies' self-reporting and cooperating with the Commission investigation; the whistleblower tool allows individuals with insider knowledge to report the conduct of companies.</p>
Germany	<p>The Bundeskartellamt applies screening methods where it receives hints from cartel outsiders (typically customers) about seemingly suspicious supplier behavior.</p> <p>Screening analysis is used both for case prioritization and for search warrant application.</p>
Hong Kong	The CC has set up an Intelligence, Forensics and Leniency unit which not only handles leniency applications but also explores proactive cartel detection tools (e.g. screening) to generate ex officio investigations.

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Hungary	<p>The GVH's cartel detection practice provides the so-called 'Cartel Chat', which is an anonymous contact system for replying to questions about cartels.</p> <p>As of 2010 persons (informants) who provide indispensable information about hardcore cartels may be entitled to obtain a reward under conditions specified by law.</p> <p>'Cartel Chat' is an important and useful internet-based tool developed by the GVH in order to allow informants to contact the GVH in an anonymous way and to share information and documents with the GVH, or to request information in full anonymity. In our experience, this tool increases the effectiveness of the GVH in detecting cartels.</p> <p>In 2016, the GVH was awarded an 'Honourable Mention' for its anonymous contact system on the Competition Advocacy Contest of the ICN and the World Bank Group.</p> <p>The informant reward aims at counterbalancing the financial risk of the cartelists - possible revenge in order to maintain the motivation to assist in the law enforcement.</p>
Israel	<p>Over the past several years the ICA has increased its intelligence activity.</p> <p>Greater intelligence activity has led to more and better investigations.</p>
Italy	<p>The AGCM has undertaken several initiatives, including:</p> <ol style="list-style-type: none"> 1) The cooperation with the National Anticorruption Authority (ANAC) - which collects and manages all public bids data - in order to jointly develop screening methods. 2) The cooperation with the Public Prosecutor's Offices of Rome and Milan to increase the reporting of antitrust violations by public prosecutors in the context of their criminal investigations.
Mexico	<p>Since the creation of the Intelligence Unit in 2014, the Investigative Authority has developed three main proactive detection tools: Data analytics, screenings and open source intelligence. Most of these tools are developed in-house, including algorithms and applications that are used to analyse significant volumes of information.</p> <p>Our public procurement screening tool has been an important asset, from 2014 until 2010 it has enabled the Investigative Authority to initiate 52% of its investigations through ex-officio</p>

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	<p>investigations. Additionally, of all its public procurement investigations initiated since 2014, 30% have been ex-officio, thanks to the Intelligence Unit's proactive cartel detection tools.</p> <p>Recently, COFECE created in its website a mailbox for anonymous complaints for anticompetitive practices in general.</p> <p>The continuous development of these tools has enhanced our cartel detection techniques, allowing COFECE to take advantage of its investigative powers.</p>
Poland	<p>In late 2020, we made preparatory steps to launch systemic proactive detection in relation to bid-rigging by using Big Data. It is too soon, however, to assess the effects of the changes in that regard.</p>
Russia	<p>The FAS Russia, within the framework of its authority to identify cartels (anti-competitive agreements), most actively uses proactive methods that allow proactively identifying anti-competitive behavior of market participants. The source of information in this case can be open data on the Internet, including: information from the Unified Information Network in the field of procurement, the Federal Tax Service of Russian Federation, the media, social networks and other sources. Based on the results of the study of information and in order to properly record it, acts of inspection of Internet sites are drawn up in the presence of attesting witnesses</p> <p>With the development of AntiCartel, proactive methods include proactive analysis of procurement procedures according to specified criteria (minimum price reduction, victory of the same participant, alternate victory, etc.) using a module for analyzing tenders and unloading procurement procedures with signs of bid rigging into an Excel spreadsheet for later study</p>
Spain	<p>As we said, to reinforce cartel detection, an anonymous whistle-blowing mailbox was created in 2014 and also the CNMC continues with other initiatives such as specific training to public procurement officials to detect bid-rigging cases; screening of public procurement data or the creation of systems for the automatic detection of signs of infringement to identify possible fraudulent tenders; a check list releases to disseminate bid-rigging detection tools among bidding bodies and to encourage their collaboration with the CNMC..</p>
United States	<p>While there have been no legislative changes to the Antitrust Division's investigative powers, there have been institutional changes that have allowed the Antitrust Division to enhance its capacity for proactive detection of cartels:</p>

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	<ol style="list-style-type: none">1. The FBI expanded the responsibility of its International Corruption Squad to include antitrust violations. The Antitrust Division now has specialized support from the FBI for cartel cases.2. In November 2019, the Antitrust Division launched the PCSF, an interagency partnership that is leading a national effort to protect taxpayer-funded projects from antitrust violations and related crimes at the federal, state, and local levels. Please see further details in response to Question 4.3. In June 2020, the Antitrust Division and the U.S. Securities and Exchange Commission signed a Memorandum of Understanding to foster cooperation, communication, and enhance both agencies' enforcement missions.
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VIII. INCORPORATION OF BIG DATA INTO COMPETITION LAW ENFORCEMENT

Competition Authority	Supplemental Excerpts
Austria	Use of data evaluation tools, especially for data collected during inspections.
Belgium	Was key issue in defining remedies in one merger control case
Brazil	The Brain Project seeks to identify possible cartels. By aggregating data from several databanks, the software identifies the probability of collusion amongst firms, especially in procurement processes. Thus far, they enabled CADE to detect a new collusive agreement, in addition to countless circumstantial evidence in investigations launched through different means.
Chile	We are developing big data tools to acquire and screen data.
Colombia	The SIC is already moving towards including Big Data considerations into Competition Law Enforcement. For instance, it has been invested in hiring experts in data analytics
Denmark	The DCCA is currently working on a project which aims at using Big Data in the cartels enforcement.
EU	Methodologies and IT tools to allow DG Competition to efficiently and rapidly collect, process, handle and exploit big datasets are constantly updated.
Germany	In 2015, the Bundeskartellamt launched an "Internet Think Tank" aimed at deepening our understanding of market power characteristics of online platforms and its implications for the antitrust toolbox in general.
Hong Kong	The CC is actively conducting screening of data sources it has access to in order to actively detect anti-competitive conduct such as bid-rigging.
Israel	The ICA is now using improved technologies for searching computers and smartphones. The new technologies greatly improve the ICA's ability to deal with big data.
Italy	The potential application of artificial intelligence to the activities of the AGCM is still at the preliminary stage of development and it would include: <ul style="list-style-type: none">– New methods based on artificial intelligence for document analysis, contract analysis, computer-assisted legal research, technology-assisted review, and advanced search techniques.– Legal text comprehension and classification by the use of natural language processing (NLP) techniques.

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	– Integration of artificial intelligence in inspections.
Mexico	The Investigative Authority is currently developing in-house solutions and tools to address the investigative needs of big data analysis, for instance, the Intelligence Unit is set to launch a data lab which will be in full operation in 2021.
Poland	In late 2020, we made preparatory steps to launch systemic proactive detection in relation to bid-rigging by using Big Data. It is too soon, however, to assess the effects of the changes in that regard.
Russia	<p>In recent years, the dependence on large amounts of information and analytical data in all spheres of life has increased.</p> <p>For the purpose of investigating anticompetitive agreements (cartels) using, including proactive methods, Big Data is the main source of information.</p> <p>So, as already noted, the Unified Information System in the field of procurement is a Big Data database containing information on all procurement procedures with the attachment of all procurement documentation throughout the country, procurement schedules, procurement regulations, statistics and analysis of procurement procedures broken down by dates, regions, e-marketplaces, and more.</p> <p>The System is not the only source of big data that can and is used by antitrust authorities in investigating cartel cases. The FAS Russia also uses the open data portal of the Russian Federation, which contains data on various industries: education, trade, transport, etc., registers, information on independent assessment, and much more. The list of open data sources is not closed</p> <p>The work of the AntiCartel is essentially based on the automatic processing of Big Data according to certain criteria (indicators).</p>
Spain	As we said before, the Intelligence Uni uses business intelligence tools (artificial intelligence, machine learning, deep learning, Microstrategy, SPSS, STATA, OSINT/HUMINT) and also access to Public Procurement Platform.

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IX.MEASURES TAKEN AGAINST POTENTIAL COMPETITION RISKS OF USE OF ALGORITHMS BY UNDERTAKINGS

Competition Authority	Supplemental Excerpts
Denmark	This is part of the Big Data project mentioned above.
EU	In the last years, DG Competition has strongly invested to move toward a digital cartel enforcement. In this context, a specialized unit has been created by pooling new professional profiles such as data scientist, digital investigator, OSINT/WEBINT specialist and tender data analyst. The new digital and investigation skills brought by these professional profiles allowed to investigate cases characterized by widespread use of data and digital solutions by companies including auditing of algorithms.
Germany	In their joint conceptual project of 2019 – Algorithms and Competition – the Autorité de la Concurrence and the Bundeskartellamt studied potential competitive risks that might be associated with algorithms. They elaborated on the concept of algorithm as well as on different types and fields of application. In their study, the two authorities focused in particular on pricing algorithms and collusion, but also considered potential interdependencies between algorithms and the market power of the companies using them as well as practical challenges when investigating algorithms. The Bundeskartellamt is following the recommendations as laid out in the study.
Italy	New computational methods are being explored in order to estimate how the algorithms used by the platforms or companies can lead to collusive outcomes. By using a data driven approach, machine learning techniques - such as classification, clustering and reinforcement learning - may enable market evaluation and detection of collusive outcomes. However, the assessment of such methods is still at the preliminary stage of development.
Russia	In modern conditions, all spheres of life are connected in one way or another and develop due to technical progress and constantly improving automation tools. The emergence of new factors in economic relations, for example, software algorithms, which are gradually becoming common business practice, can contribute to a change in the competitive environment. At the same time, taking into account the level of application of computers in economic relations and their constant

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	<p>improvement, we are already faced with investigations in which algorithms (auction robots, software products) are used as a tool for implementing anti-competitive practices.</p> <p>In order to explain to business entities the potential risks from the use of algorithms, the FAS Russia issues clarifications containing instructions for market participants on the permissible and unacceptable use of various software products. The FAS Russia also uses the venues of conferences, scientific seminars, round tables and other events for these purposes.</p> <p>It should be noted that the FAS Russia is also working on these issues within the framework of working groups organized with representatives of antimonopoly experts and corporate lawyers</p>
United States	<p>The Antitrust Division is committed to prosecuting price fixing, however effectuated. For example, the Antitrust Division prosecuted a price-fixing conspiracy in which the conspirators utilized pricing algorithms to fix the prices of posters sold on the Amazon Marketplace.</p>

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X.OTHERS

Poland	While we have not obtained any new formal powers in relation to non-leniency whistleblowers (e.g. former employees of lower ranks), since 2016 we have engaged heavily in promoting non-leniency whistleblowing. Attracting non-leniency whistleblowers had a positive impact on our detection rates.
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C. INSTITUTIONAL CHANGES IN ANTI-CARTEL ENFORCEMENT

I. PRIORITIZATION OF CARTEL ENFORCEMENT

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers cartel conduct as so detrimental to consumer welfare and the competitive process that it has and will always be regarded as a priority. However, following a restructuring of the ACCC's Enforcement Division in 2014, the ACCC recognised the importance of having a dedicated cartel branch, focusing solely on the detection and enforcement of cartel conduct.</p> <p>This has allowed the ACCC to prioritise cartel matters, efficiently manage resources and develop a branch of experienced cartel investigators and specialists.</p>
Brazil	<p>Law 12529/2011 has provided a structure that granted promptness to the decisions of mergers and acquisitions, which are priorities by determination, saving resources that now are used in cartel prosecutions.</p> <p>On this regard, 68 cartel proceedings were adjudicated from 2001 to 2011 (of which 20 were convicted) and 134 cartel proceedings from 2012 to 2020 (of which 83 were convicted).</p>
Chile	<p>For the last 10 years, cartel prosecution has been the top enforcement priority for the FNE.</p> <p>In 2013 the FNE created its Anti-cartels Unit (now Anti-cartels Division), a specialized team dedicated solely to cartel detection and investigation. Since then, its staff has increased considerably (around 50%) and professionals from different backgrounds were hired (such as forensic specialists and data scientists).</p>
Colombia	<p>In 2012, the SIC created the Public Procurement Taskforce as a specialized team to fight collusion and other anti-competitive practices in public procurement. The taskforce was strengthened in 2017 with a bigger budget and staff. The number of cases under investigation has increased from 19 in a period of 6 years to 20 in 3 years.</p>

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Cyprus	New Article 23 (A) in national Competition Law and Decision Prioritization Criteria No.1 of 2014 Increased number of investigations
Denmark	The DCCA has established a special unit which is in charge of investigation related to cartels. The unit consists of lawyers, former police officers and forensic IT specialists.
EU	The fight against cartels continues to be a priority within DG Competition.
Germany	Over the last years the Bundeskartellamt has significantly increased the effectiveness of its cartel prosecution efforts, for example by establishing specialised anti-cartel divisions, revising its leniency programme and launching an anonymous whistle-blowing system. Proceedings are now concluded more swiftly than even a decade ago.
Hong Kong	10 years ago – CO was not enacted. By the end of 2020 – CO came into full effect on 14 December 2015. CC issued Enforcement Policy in November of 2015. Paragraphs 3.5(a) and 3.6 to 3.8 of the Enforcement Policy state that CC will accord priority to cases involving cartel conduct.
Hungary	In the course of its competition supervision work, the GVH monitors how markets are functioning and intervenes to enforce Hungarian and EU competition law if it becomes aware of any infringing practices or trends that threaten to significantly reduce competition. Fight against bid-rigging is one of the most important goals in the institutional strategy of the GVH. In 2013, the GVH decided to set up – beyond the Cartel Unit – a separate unit, the Cartel Detection Unit, in order – inter alia – to perform information and evidence gathering tasks more efficiently. The Cartel Detection Unit is responsible for the detection of cartels and gathers, analyses, and processes all the information that is necessary for the initiation of competition supervision procedures: furthermore, it carries out unannounced inspections (‘dawn raids’).
Ireland	31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in

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	<p>the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>In 2019 a cartel unit was established within the criminal enforcement division. The two officers in the Cartel Unit also investigate criminal breaches of consumer protection legislation.</p>
Italy	<p>Over the last decade, the AGCM's main enforcement priority has been to fight bid-rigging cartels in the public sector as it accounts for 10% of the GDP and it may contribute to reduce the costs borne by the State in the acquisition of public goods and services.</p>
Mexico	<p>Since 2014, COFECE pays special attention to competition enforcement and policy in strategic markets of Mexican economy. The first Strategic Plan of 2014-2017 was focused on the financial, agri-foods, energy and public procurements sectors.</p> <p>The strategic plan for 2018-2021, takes into consideration as strategic sectors of the Mexican economy the financial sector, agri-foods, energy, transportation, public procurements and the health sector.</p> <p>Regarding the prioritization of strategic markets for cartel investigations, from 2010 to 2020 there have been:</p> <ul style="list-style-type: none"> - 20 regarding agri-foods which represent 24% of cartel investigations, - 20 regarding the manufacturing industry, which represent 24% of cartel investigations, - 13 regarding transportation, which represent 15% of cartel investigations, - 9 regarding the health sector, which represent 11% of cartel investigations, - 6 regarding public procurements which represent 7% of cartel investigations, - 6 regarding the energy sector which represent 7% of cartel investigations - 4 regarding the financial sector which represent 5% of cartel investigations, - And 6 investigations from other markets, which represent 7% of cartel investigations.

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	<p>On the other hand, COFECE's prioritization of cartel enforcement over the last ten years can also be demonstrated with the number of cartel investigations initiated ex officio (30), through a complaint (32) and because of a leniency application (22).</p>
Russia	<p>Anti-cartel law enforcement in the Russian Federation has gone a long way of development and formation, ranging from a complete lack of understanding (denial) of the problem of cartelization, to the recognition of cartels as one of the threats to the country's national security in the economic sphere.</p> <p>Today, the fight against cartels and other anti-competitive agreements is one of the most important areas of activity of the FAS Russia.</p> <p>The antimonopoly body is carrying out targeted work to identify and suppress cartels in almost all sectors of the Russian economy, including the extraction and sale of natural resources, the provision of medicines and food to the population, as well as in the areas of state defense orders, government procurement and procurement of companies with state participation</p>
South Africa	<p>The Commission's prioritization of cases and sectors has always been dynamic and responsive to the needs of the economy. Digital markets are coming under the raider with the publication of the Commission's strategy document entitled "Competition in the Digital Economy" in September 2020.</p>
Spain	<p>In the last CNMC action plans, clearly one of the priorities is the fight against cartels. In particular, this prioritisation in the ex officio proceedings of the CNMC has involved, firstly, the creation of systems for the automatic detection of signs of infringement to identify possible fraudulent tenders and, secondly, collaboration with the most active public administrations in issuing calls for tenders, training them to detect fraudulent bids.</p> <p>The reform in 2021 of article 49 of the Spanish Competition Act 15/2007 enables the CNMC to refuse, in a reasoned manner, to initiate any proceeding in case of manifestly unfounded complaints, thus allowing to channel resources to infringements such as cartels, endowed with more evidence.</p>

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II.INCREASED STAFFING

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has seen a steady increase in staffing levels in the ACCC's Cartels Branch to facilitate an increase in matters being considered.</p> <p>In particular, following the creation of a dedicated Cartels Branch, staff and resources were redirected from generalist enforcement matters to focusing solely on cartel matters thus increasing the number of specialist cartel investigators. The ACCC also created a specialist Cartels Coordination Team, responsible for managing the ACCC's Immunity Policy, outreach and initial triaging of cartel matters.</p>
Austria	<p>From 20 employees to currently 45.</p>
Belgium	<p>But unfortunately not 'major'</p>
Brazil	<p>Law 12529/2011 has enabled the remodeling of the Brazilian Competition Policy System (SBDC) to strengthen specialist units for fighting cartels. The SDE, the former unit with jurisdiction over cartels, had a small staff team, with 102 civil servants for all the operations (anticartel, control of mergers, unilateral conducts, competition advocacy and administrative matters) of the body in 2011.</p> <p>As to the sector of anti-competitive investigation, the workforce was composed of only 30 technicians. The duties related to competition law have been attributed to CADE upon the structural administrative change derived from Law 12529/2011. At CADE, the workforce operating on cartels has been increasing throughout the years, from 31 employees in 2012 to 61 employees in 2020, which has corroborated to an efficiency growth of the performance of the Brazilian antitrust authority.</p>
Chile	<p>50% since its creation in 2013.</p>
Colombia	<p>In general, the number of collaborators has increased in order to meet the inspection, surveillance and control functions assigned to the Superintendence. By having more personnel, more skilled and interdisciplinary, the detection capacity and the speed of investigations increases. The complaints that are not significant can be quickly evacuated. It is possible to give an answer to the citizenship at great speed, and to focus on the cases.</p>

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	The Deputy Superintendence for Competition Protection has recently created a separate team within the Deputy with newly hired data scientists and engineers to support the development of digital tools and skills for protection and promotion of competition, also to work on data analytics and market intelligence.
Cyprus	Increased efficiency in investigations
Czech	Increased number of staff leads to detection of higher number of cases infringing competition law
Denmark	The Cartels unit mentioned above has been expanded several times with an increased number of staff during the last 10 years
EU	DG Competition continued to adjust the staffing to cartel cases if needed.
Finland	The FCCA has appointed more specialists to handling of cartel investigations. The FCCA is handling a bigger number of serious suspected infringements simultaneously than 10 years ago.
Germany	A Special Unit for Combating Cartels was launched in 2002 and reinforced during the last years.
Hong Kong	10 years ago – the CC was not yet established
Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>Less staff are assigned to investigate criminal breaches of the Competition Act since 31 October 2014.</p>
Israel	More investigators and prosecutors - more and better cases.
Japan	The number of total staff in general secretariat has increased from 799 (2011) to 842 (2020). (Increase by 43 staffs.)
Mexico	The Anti-Carte Unit is the largest investigation Unit in terms of staffing. Since 2014, the Anti-Cartel Unit has evolved from a staff of 21 professionals to 36 in 2020.

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	<p>Furthermore, the creation of a specialized Intelligence Unit in 2014 has increased Cartel enforcement with 21 professionals from different specialties (engineers, intelligence experts, military and law enforcement professionals and a psychologist).</p> <p>Regarding staffing prioritization in COFECE, cartel enforcement has had an important development over the last ten years, with an expansion of approximately 59% from 2014 to 2020.</p>
Poland	<p>In 2020 our anti-cartel staffing grew appreciably. The increase in our staffing was part of our efforts to increase the effectiveness of enforcement, including the spin-off of part of our antitrust staff to a new department responsible for bid-rigging.</p>
Russia	<p>The number of the Anticartel Department of the FAS Russia has more than doubled over the past three years and is about 56 people.</p> <p>At the same time, in the structure of the FAS Russia in 2018, 8 regional departments for combating cartels (by federal district) were created, which are authorized to consider applications, materials, cases within the federal district (without reference to a specific subject).</p> <p>These changes contribute to a better consideration of appeals related to violations of antimonopoly legislation; faster response to relevant violations.</p>
South Africa	<p>The Commission has expanded its staffing compliments as it became apparent that we inherited a highly concentrated markets with significant barriers to entry and as such required expansion of internal capacity to be able to intervene in many sectors.</p>
Spain	<p>As we said, in 2018 it was created the Economic Intelligence Unit, equipped with specialist staff and dedicated resources, to detect anti-competitive conduct, and specially to fight against cartels.</p>
Turkey	<p>Yes</p>

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III.INCREASED STAFF TRAINING

Competition Authority	Supplemental Excerpts
Australia	Following the creation of a dedicated ACCC Cartels Branch, this has allowed for specialised development of staff and a cartel-centric management team focused solely on the development of the ACCC's cartel enforcement program.
Austria	Internal and external training sessions, e.g. on oral interrogation techniques and economic analysis of abuse of market power. Possibility for academic staff to participate in exchange programmes with European Commission - DG for Competition; possibility for academic staff to participate in international workshops and conferences.
Brazil	It was held three workshops on search and seizure for the training of CADE's servants. The workshops were based on experience and description of events in which, due to the training, operational error was avoided. Additionally, one workshop on search and seizure was held for the Prosecution Services, upon request and based on the same lines. Besides, in the last 5 years, we had two courses on exclusively the development of the skills of hearings and interview techniques and another on agreements negotiation techniques.
Canada	<ul style="list-style-type: none">-The Bureau developed a Talent Management Framework, which includes initiatives, such as, technical and management skills training, mapping out employees' learning and development options, implementing a formal succession planning process to develop leadership skills among employees at all levels and broadening the range of work experiences available to employees.-The Bureau committed to training and developing its workforce to increase digital expertise and to maximize their proficiency with existing and emerging technologies, such as, identifying opportunities to use artificial intelligence and new investigative applications and continuing to provide online tools for employees.-The Bureau started developing a Criminal Investigator Training Program for the Cartels and Deceptive Marketing Practices Branch.

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	-The ongoing implementation of the Talent Management Strategy will help ensure that the Bureau has a high-performing, well-rounded workforce that can respond to current and emerging challenges.
Chile	The Staff is being trained on a regular basis. Besides the internal training and the training offered by international organizations (such as ICN and the OECD), the FNE has recently received training on cartel detection and investigation from the US DOJ and the FBI.
Colombia	The Covid-19 pandemic and all the challenges it brought with it has allowed us to rethink ourselves as an organization, which is why we have increased our efforts to train our officers; last year we offered 13 trainings in different areas to the entire team. We were accompanied by experts in substantive matters such as public procurement, criminal approaches to competition law, relevant procedural matters.
Croatia	Introduction of in-house trainings
Cyprus	Increased efficiency in investigations
Czech	Employees are regularly trained with regard to new ways of infringing the competition law on the Internet and use of modern technologies, such as encryption of communication on mobile phones
Denmark	The staff of the Cartels unit continuously participate in training. E.g. some of the former police officers have participated in a training course in England in order to improve their investigation skills. The forensic IT experts also regularly participate in training.
Dominican Republic	We have received several trainings from other competition authorities and scholars.
EU	Training activities are a key element for the experts staffed in the specialized investigation unit (see above) as well as for the specialists in charge of Forensic IT and of those who use these tools during inspections (“dawn raids”). Case handlers who analyse documents and files are also constantly trained in order to allow them to efficiently use the new technologies used to investigate cases.
Finland	Training e.g. in interviewing technique and use of open source intelligence.
Germany	The staff is being trained on an ongoing basis.
Hong Kong	10 years ago – the CC was not yet established

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	<p>By the end of 2020 – Internal trainings on competition law and investigations are provided for the staff. External training programs on competition law from external institutions, such as King’s College (UK) and University of Melbourne (Australia), are also available to the staff. Staff also participate in conferences and workshops to enhance their knowledge on competition law enforcement.</p>
Hungary	<p>In the previous years the GVH places particular emphasis on the development of various skills and expertise of its employees.</p> <p>Staff trainings cover areas such as conflict management skills, cooperation competencies, as well as language skills, IT expertise (including forensic IT) and the successful integration of new staff.</p> <p>Moreover, it is a well-established practice, that the GVH sent one of its experts to the OECD for a whole year as a secondee on a rotation basis and participates on staff exchange programme organised by the European Commission.</p> <p>To increase the efficiency of cartel detection, aside from forensic IT trainings, two employees of the GVH participated in the Public Procurement Officer training.</p> <p>The use of forensic-IT procedures is a special area of expertise of the Cartel Detection Unit, the development of which is strongly promoted by the GVH, including the development of tools, software, and the training of the staff.</p>
Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>There has been an increased focus on training of officers in the Criminal Enforcement division of the CCPC since 31 Oct 2014. Officers have been trained by An Garda Síochána, the national police force in Ireland, in interviewing skills. Officers receive regular updates on best practice when engaging with witnesses and suspects during investigations and on gathering evidence from external training providers with a criminal enforcement background, from a member of An Garda Síochána on secondment to the Criminal Enforcement Division and the FBI.</p>

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Israel	<p>Yes, especially regarding technological capabilities. Also regarding money-laundering offenses and forfeiture.</p> <p>Better ability to deal with big data issues and money -laundering.</p>
Italy	The AGCM has organised ad-hoc training sessions in the area of digital searches.
Mexico	<p>Particularly since 2014, the Anti-Cartel Unit and the Intelligence Unit staff are undergoing constant training and development with a wide array of topics such as investigation tools, photography, intelligence gathering, the use of specialized software, interviews and interrogations, training in the roles that take part in an on-site inspection, economics courses for lawyers, coding trainings, among others.</p> <p>Some of these trainings are developed in-house, and some have been taught by Universities or other competition agencies such as the DOJ.</p> <p>Constant training of COFECE's cartel enforcement staff is paramount to evolve and keep up with the new demands that can arise from the shifts and evolutions of markets. Due to the sanitary restrictions, COFECE's cartel staff has undergone trainings to adapt its investigation tools to digital means, for example, trainings from DOJ and FBI agents regarding digital interviews and interrogations.</p>
Poland	Since 2017 most of our staff who take part in dawn raids have been trained in using basic forensic IT and e-discovery techniques. We believe that the increased training in that respect improved our performance during dawn raids and investigation-planning by the legal staff, due to more awareness with regard to what kind of evidence of cartel activity can be realistically obtained and preserved.
Russia	In order to exchange experience and consolidate the uniform application of legal norms, the Anticartel Department of the FAS Russia annually conducts training seminars for the regional offices of the FAS Russia on the following issues: the procedure and specifics of conducting nonscheduled dawn raids in cases of cartels (anti-competitive agreements); consideration of cases on violation of antimonopoly legislation; collection and analysis of evidence in cases of violation of antimonopoly legislation and many others.

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	<p>As a result of the organization of seminars (training), the procedure for considering cases of violation of antimonopoly legislation has improved.</p> <p>In general, the cases pending have become more complex and large, and the evidence base is broader.</p> <p>At the same time, there has been a significant improvement in the quality of law enforcement practice. As a result, the number of canceled decisions of the antimonopoly authority in court is decreasing.</p>
South Africa	More financial resources have been made available overtime to train stuff in conducting investigations and prosecuting competition cases
Spain	26 training sessions 2016/2019, with the participation of over 1200 civil servants actively involved in public tenders with the aim of training them on how to detect indicia of potential bid rigging and communicate to the CNMC those acts that could infringe Competition Act.
United States	A number of steps have been taken to improve training and professional development opportunities including quarterly Antitrust Division-wide training programs, strengthened training programs in each of the five offices doing criminal work, greater participation in international technical assistance opportunities, use of short-term trial details to U.S. Attorneys Offices to provide litigation experience, and increased opportunities for attorneys to move from one Antitrust Division office to another and to participate in short-term details in Antitrust Division offices focused on international, appellate, or policy issues. These changes have improved our enforcement efforts.
Turkey	Yes

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IV.INCREASED STAFF DEVELOPMENT

Competition Authority	Supplemental Excerpts
Australia	In 2020, the ACCC established a specialised team, the Criminal Practice Management Team, to update its guidance and training materials for criminal investigators. This coincides with updates to the ACCC's Learning and Development platform, which allows us to tailor a pathway of training for cartel investigators. Investigators and managers will be able to certify that they have reviewed particular material or undertaken the training relevant to their level.
Austria	Establishment of IT-experts at the BWB.
Belgium	Young recruits benefiting from existing training possibilities and experience
Canada	<p>-The Bureau developed a Talent Management Framework, which includes initiatives, such as, technical and management skills training, mapping out employees' learning and development options, implementing a formal succession planning process to develop leadership skills among employees at all levels and broadening the range of work experiences available to employees.</p> <p>-The Bureau committed to training and developing its workforce to increase digital expertise and to maximize their proficiency with existing and emerging technologies, such as, identifying opportunities to use artificial intelligence and new investigative applications and continuing to provide online tools for employees.</p> <p>-The Bureau started developing a Criminal Investigator Training Program for the Cartels and Deceptive Marketing Practices Branch.</p> <p>-The ongoing implementation of the Talent Management Strategy will help ensure that the Bureau has a high-performing, well-rounded workforce that can respond to current and emerging challenges.</p>
Colombia	The Deputy Superintendence kept as priority the continuous efforts to develop knowledge and skills of the staff, for instance on, procedural and substantive knowledge, as well as on argumentative and writing techniques.

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Czech	As part of the training, the relevant information and developments concerning for example the use of new IT programs are presented to employees on a regular basis
Denmark	The staff of the Cartels unit continuously participate in training. E.g. some of the former police officers have participated in a training course in England in order to improve their investigation skills. The forensic IT experts also regularly participate in training.
Finland	Cartel detection requires specialized knowledge and skills that are best acquired through experience. This is why the FCCA has a specialized team of ca 10 people who concentrate solely on cartel investigations and dawn raids. The team also includes FCCA's FIT specialists. This arrangement has led to major improvements in the FCCA's cartel enforcement abilities. The team has been in place for roughly 7-8 years.
Germany	Enhanced development of Special Cartel Units. (See answers above)
Hong Kong	10 years ago – the CC was not yet established By the end of 2020 – In addition to the training opportunities stated above, staff have been selected to be seconded to the Australian and Canadian competition authorities, or to leading competition law chambers in UK, to enhance their development.
Hungary	In the previous years the GVH places particular emphasis on the development of various skills and expertise of its employees. Staff trainings cover areas such as conflict management skills, cooperation competencies, as well as language skills, IT expertise (including forensic IT) and the successful integration of new staff. Moreover, it is a well-established practice, that the GVH sent one of its experts to the OECD for a whole year as a secondee on a rotation basis and participates on staff exchange programme organised by the European Commission. To increase the efficiency of cartel detection, aside from forensic IT trainings, two employees of the GVH participated in the Public Procurement Officer training. The use of forensic-IT procedures is a special area of expertise of the Cartel Detection Unit, the development of which is strongly promoted by the GVH, including the development of tools, software, and the training of the staff.

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Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>The Criminal Enforcement division liaises with agencies also involved in criminal as well as regulatory investigation work, to leverage opportunities provided by networking as well as expanding investigator knowledge and experience of the investigation of fraud, theft and other white collar offences</p>
Israel	<p>Yes, especially regarding technological capabilities. Also regarding money-laundering offenses and forfeiture.</p> <p>Better ability to deal with big data issues and money-laundering.</p>
Mexico	<p>Particularly since 2014, the Anti-Cartel Unit and the Intelligence Unit staff are undergoing constant training and development with a wide array of topics that go from the use of specialized software, how to perform interviews and interrogations (in traditional or digital means), training in the roles that take part in an on-site inspection, economics courses for lawyers, coding trainings, among others.</p> <p>Some of these trainings are developed in-house, and some have been taught by Universities or other competition agencies such as the DOJ.</p> <p>Constant training of COFECE's cartel enforcement staff is paramount to evolve and keep up with the new demands that can arise from the shifts and evolutions of markets. Due to the sanitary restrictions, COFECE's cartel staff has undergone trainings to adapt its investigation tools to digital means, for example, trainings from DOJ and FBI agents regarding digital interviews and interrogations.</p>
Russia	<p>The FAS Russia on a regular (annual) basis conducts advanced training of its employees in the following areas: state and municipal procurement, anticartel enforcement, tariff regulation; state and municipal administration; competition law; project management; English language; practice of public speaking and others.</p>

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	In order to develop and / or acquire new digital skills, the FAS Russia also organized training in the following areas: methods of diagnostics, construction and optimization of operational processes in the public administration system; ensuring information security in the work of public authorities when using digital technologies and using Internet services; antimonopoly regulation in the field of high technologies; digital economy of the Russian Federation, etc.
South Africa	More financial resources have been made available overtime to train staff in conducting investigations and prosecuting competition cases. The Commission also develops staff internally through various programmes including on the job training.
Turkey	<p>The TCA attributes great importance to economic analysis while handling cases. With that regard, the staff of the Department of Economic Analysis were trained through several academic/technique programs to improve their know-how.</p> <p>The use of new IT programs are presented to employees on a regular basis to increase the effectiveness of the down-raids.</p>
United States	A number of steps have been taken to improve training and professional development opportunities including quarterly Antitrust Division-wide training programs, strengthened training programs in each of the five offices doing criminal work, greater participation in international technical assistance opportunities, use of short-term trial details to U.S. Attorneys Offices to provide litigation experience, and increased opportunities for attorneys to move from one Antitrust Division office to another and to participate in short-term details in Antitrust Division offices focused on international, appellate, or policy issues. These changes have improved our enforcement efforts.

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V.DEDICATED CARTEL SPECIALISTS

Competition Authority	Supplemental Excerpts
Australia	The ACCC has invested significant resources towards developing a criminal investigation capacity. The ACCC built a substantial team of specialist criminal cartel investigators, and this has been necessary to conduct careful and thorough criminal investigations.
Austria	Recruiting of experienced lawyers and economists in the field of competition.
Chile	In 2013 the FNE created a Division dedicated solely to cartel detection and investigation. In 2020 the FNE created an Intelligence Unit, specialized in cartel detection.
Czech	The work of employees within the Cartel Unit is dedicated to cartel agreements. These employees are dealing exclusively with this type of agreements, and their training is focused on being able to use forensic tools during the dawn raids.
Denmark	The DCCA has established a special unit which is in charge of investigation related to cartels. The unit consists of lawyers, former police officers and forensic IT specialists.
EU	DG Competition has a dedicated Directorate which was established ahead of the reporting period.
Finland	Cartel detection requires specialized knowledge and skills that are best acquired through experience. This is why the FCCA has a specialized team of ca 10 people who concentrate solely on cartel investigations and dawn raids. The team also includes FCCA's FIT specialists. This arrangement has led to major improvements in the FCCA's cartel enforcement abilities. The team has been in place for roughly 7-8 years.
Germany	The Bundeskartellamt has a Special Unit for Combating Cartels (established in 2002). The unit consists of lawyers, former police officers and forensic IT specialists. The Bundeskartellamt also has a special IT forensic team that was established in 2009.
Hong Kong	10 years ago – the CC was not yet established In 2018, the CC established a specialized section dedicated to the investigation of cartel conduct.

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Hungary	<p>In the previous years the GVH places particular emphasis on the development of various skills and expertise of its employees.</p> <p>Staff trainings cover areas such as conflict management skills, cooperation competencies, as well as language skills, IT expertise (including forensic IT) and the successful integration of new staff.</p> <p>Moreover, it is a well-established practice, that the GVH sent one of its experts to the OECD for a whole year as a secondee on a rotation basis and participates on staff exchange programme organised by the European Commission.</p> <p>To increase the efficiency of cartel detection, aside from forensic IT trainings, two employees of the GVH participated in the Public Procurement Officer training.</p> <p>The use of forensic-IT procedures is a special area of expertise of the Cartel Detection Unit, the development of which is strongly promoted by the GVH, including the development of tools, software, and the training of the staff.</p>
Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>The Competition Authority had a dedicated criminal cartel investigation team until the merger with the National Consumer Agency on 31 October 2014. A cartel unit was reestablished within the Criminal Enforcement Division in early 2019 however cartel unit staff also investigate criminal breaches of consumer protection legislation.</p>
Mexico	<p>Since its beginning, the Commission has had an investigations unit with a cartel investigations staff that carried out, among other things, cartel investigations. However, in 2007 the Commission created a specialized Anti-Cartel Unit, with investigators that specialize in cartels and that range from lawyers to economists and mathematicians. The number of specialists ranges from 30 to 35 since 2014, and the senior staff members have a considerable amount of expertise: the Head of the Anti-Cartel Unit has</p>

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	worked for 11 years investigating cartels, on the other hand his three deputy directors have 12 and 8 years of experience working at the Commission in cartel enforcement.
South Africa	The Commission's Cartels Division was before 2010 a unit with the Enforcement Division which dealt with all prohibited practices. After 2010 a stand alone Cartels Division was formed to focus on cartel conduct as it became apparent that this egregious conduct was prevalent in the economy and required special attention.

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VI.ORGANIZATIONAL RESTRUCTURING

Competition Authority	Supplemental Excerpts
Australia	The ACCC has invested significant resources towards developing a criminal investigation capacity. The ACCC built a substantial team of specialist criminal cartel investigators, and this has been necessary to conduct careful and thorough criminal investigations.
Austria	Creation of specialized departments (legal department, litigation department) and establishment of a special advisor to the Director General.
Brazil	<p>A change occurred, from Department (DPDE) to Assistant General Superintendency (SGA2) with better structure and hierarchy occurred. The number of coordinations (investigation units) remained the same after Law 12529/2011 (five specialist units), while the number of servants in each unit substantially increased.</p> <p>Considering CADE's new structure and organisation, throughout the years the workforce development has been characterized by a continual staff growth: from 198 employees in 2011, to 484 employees in 2020. In the units dedicated to cartel investigation, the growth went from 31 employees in 2012 to 61 employees in 2020.</p>
Canada	In April 2015, the Bureau implemented a new organizational structure. It moved from eight branches to four branches. The new Cartels and Deceptive Marketing Practices Branch combined the former Criminal Matters Branch and Fair Business Practices Branch. The purpose of this realignment was to increase collaboration and organizational synergies within the Bureau, provide greater flexibility in allocating resources to strategic priorities, and establish a more complementary balance between the Bureau's enforcement and competition promotion activities.
Chile	In 2013 the FNE created a Division dedicated solely to cartel detection and investigation. In 2020 the FNE created an Intelligence Unit, specialized in cartel detection.
Colombia	In 2012, the SIC created the Public Procurement Taskforce as a specialized team to fight collusion and other anti-competitive practices in public procurement. The taskforce was strengthened in 2017 with a

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	bigger budget and staff. The number of cases under investigation has increased from 19 in a period of 6 years to 20 in 3 years.
Czech	Focus on mutual cooperation between the different units of the Office, creation of new department which connects interdisciplinary agendas
Denmark	The DCCA has established a special unit which is in charge of investigation related to cartels. The unit consists of lawyers, former police officers and forensic IT specialists.
Dominican Republic	We have managed to modify our structure to best suit our faculties and duties.
Cyprus	Increased efficiency in investigations
Germany	With the introduction of several organizational measures over the last 20 years (e.g. establishment of a Special Unit for Combating Cartels in 2002, of several divisions for hardcore cartels between 2005 and 2011 and of an IT Forensic Unit in 2009) the authority was able to further improve the effectiveness of its cartel prosecution.
Hong Kong	10 years ago – the CC was not yet established In 2018, the CC established a specialized section dedicated to the investigation of cartel conduct.
Hungary	The Act CVII of 2019 on bodies with special status and their employers, of which scope also extends to the GVH, was adopted in 2019 and is applicable from 2020. The Act CVII of 2019 changed the legal status of both the GVH and its employees. The Act replaces the former regulation under the Act CXCV of 2011 on Civil Service Officials.
Ireland	31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.

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	<p>Since the major restructure associated with bringing two independent State agencies together in October 2014 the organization's structure has continued to change with new, and increased, legislative and also Brexit related, responsibilities. What had been a team of dedicated cartel specialists in the Competition Authority became the Criminal Enforcement Division of the CCPC. Later the division acquired product safety responsibilities - becoming Criminal Enforcement and Product Safety, with separate deputy directors. In 2019 Product Safety became its own division, and separated from Criminal Enforcement. Criminal enforcement now consists of three Units; Cartels, Consumer Crime and Digital Investigations, each headed by a deputy director. On the near horizon, more changes are planned to accommodate ECN+ as well as consolidated and expanded EU consumer protection and digital legislation.</p>
Japan	<p>Main organizations established in the past 10 years are as below (FY);</p> <p>The litigation division (2015),</p> <p>The senior planning officer for the procedures for the hearing of opinions (2015) and</p> <p>The senior investigator for digital platform operators (2020).</p>
Mexico	<p>The constitutional reform of 2013 and the new Federal Economic Competition Law created COFECE as an autonomous government body. COFECE has an investigative branch, Investigative Authority. The new institutional design guaranteed a functional separation between the investigation stage and the decision-making procedure. The Board of Commissioners has now no interference in the investigation process.</p> <p>This has made cartel investigations stronger from a legal standard, and as such, enhanced cartel enforcement in Mexico.</p>
Poland	<p>At the very end of the period covered by the survey our organisation was restructured by performing a spin-off of some antitrust staff to a separate department responsible for combating bid-rigging (with the remaining cartels being still handled by our chief antitrust department). Taking into account that the change took place in late 2020, no visible effects have been recorded so far. However, the change is aimed at increasing effectiveness of bid-rigging detection, mostly through the adoption of proactive detection and analysis of Big Data.</p>

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Russia	<p>In 2017, the Anticartel Department of the FAS Russia underwent a restructuring, during which specialized divisions were formed: the division of investigations in the commodity markets, the division of investigations at the tenders, the division of high-priority investigations, the division for organizing interaction with law enforcement agencies, the division for analysis of law enforcement practice and methodology, the division of investigations in sphere of state defense order. At the end of 2018, the Anticartel Department of the FAS Russia was supplemented by another division - the digital investigations division. In 2018, 8 regional anti-cartel departments (by federal district) were also created, which are authorized to consider applications, materials, cases within the federal district (without reference to a specific subject).</p> <p>The FAS Russia, taking into account the fact that in order to counter modern cartels, it is necessary to create new methods of counteracting such collusion not only by using advanced technologies, but also by structural methods.</p> <p>In 2018, in the structure of the Anti-Cartel Department of the FAS Russia, a special division was created - the digital investigation division. The list of tasks of the divisions is the following:</p> <ol style="list-style-type: none">1) identification and suppression of agreements and concerted actions restricting competition and unacceptable in accordance with the antimonopoly legislation of the Russian Federation, prohibited coordination of economic activities, implemented, among other things, using software products (algorithms, robots, etc.);2) development and implementation of the system “AntiCartel” in the work of the central office and regional offices of the FAS Russia;3) implementation of methodological support of structural units of the central office and regional offices of the FAS Russia on the use of automated information systems for the purpose of identifying and proving anti-competitive agreements and cartels; on the search and justification of the use of new digital evidence in cartel cases, anti-competitive agreements, illegal coordination of economic activities, etc.
South Africa	<p>The Commission adopted a cradle to grave approach in respect of cartels in that the Cartels Division will investigate and itself also prosecute cartel cases at the Tribunal and courts.</p>

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Sweden	An organizational change occurred in 2015. Before four separate units existed divided by industry (dealing with all competition law aspects related to those industries). Now, one unit deals with cartels, other horizontals and mergers while a second unit deals with abuse of dominance and verticals.
United States	<p>The structural changes within the last 10 years include:</p> <ol style="list-style-type: none">1. Creation of the Washington Criminal 2 section in Washington, DC.2. Closure of four field offices in Philadelphia, PA, Dallas, TX, Atlanta, GA, and Cleveland, OH.3. Creation of Director of Criminal Litigation role.4. Creation of Senior Litigation Counsel for Criminal Enforcement role.5. Creation of the PCSF Director and Assistant Director roles. <p>These changes have improved the enforcement efforts.</p>

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VII.INCREASED OUTREACH

Competition Authority	Supplemental Excerpts
Australia	<p>As mentioned above, following the creation of the Specialised Enforcement and Advocacy Division, the Cartels Branch increased its focus on regular outreach programs to a variety of relevant parties, including private law firms, industry associations, government entities and international groups.</p> <p>This has resulted in improved information sharing and awareness throughout the community.</p>
Bulgaria	<p>Close cooperation with contracting authorities, incl. New guidelines for countering bid-rigging in public procurement</p>
Chile	<p>The FNE has launched several initiatives directed at the press, trade associations, the private bar, other public agencies and the like.</p> <p>The FNE signed MOUs with several public institutions to access data to be used in cartel investigations (including the Public Procurement Office, the Customs Office and the Internal Revenue Service).</p>
Colombia	<p>We regularly carry out awareness campaigns together with the Entity's communications area, on topics that the authority particularly wants to work on.</p>
Cyprus	<p>Seminars and Manual on Bid Rigging of Public Procurement projects</p>
Denmark	<p>The DCCA regularly makes campaigns and other outreach measures</p>
Finland	<p>Since 2017 the FCCA has toured major cities in cooperation with the Tax Administration's shadow economy specialists. The aim is to raise awareness of procurement specialists and city management of the risks of bid rigging, of competition law and the FCCA's cartel enforcement.</p>
Hong Kong	<p>10 years ago – CO was not enacted</p> <p>By the end of 2020 – CC has conducted engagement events reaching different sectors in Hong Kong since its setup in 2013. In 2019/2020 alone, CC has conducted over 70 engagement events in Hong</p>

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	Kong. The CC also has won a number of advocacy awards with its creative and engaging thematic campaigns (e.g. mini-movies, TV commercials, advertising on public transport, etc.)
Ireland	<p>Stakeholder engagement has become planned rather than reactive and associated with investigations. The Cartel Unit seeks to engage with sectoral representative bodies, public procurement agencies and has regular speaking engagements in public and private sector fora about competition, bid rigging and criminal investigation of these offences.</p> <p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p>
Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p> <p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Italy	<p>In order to increase awareness of bid-rigging cartels, the AGCM has published and promoted a handbook based on the OECD Guidelines for Fighting Bid Rigging in Public Procurement (2013), addressed to procurement agencies so to increase their ability to report to the AGCM any suspected patterns that might signal collusive behavior.</p> <p>Indeed, several cartel cases were originated by complaints from local/regional procurement agencies.</p> <p>At national level, the relationship between the AGCM and the central procurement agency has been strengthened: all tender procedures are reviewed by the AGCM before they are put in place.</p> <p>Another important outreach activity includes the organization of seminars or conferences on this topic, involving the most relevant stakeholders.</p>

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Japan	The JFTC established the Consumer Education Unit in April 2016, and it has increased outreach related to competition for general consumers and students of universities, high schools, and junior high schools more than ever before.
Mexico	<p>COFECE has increasingly prioritized its outreach regarding different competition matters. Consequently, in 2014, a Planning, Liaison and International Affairs Unit was created, separated from the Investigative Authority. With this specialized unit, COFECE has implemented a massive advertisement campaign in order to raise awareness of economic competition legislation and COFECE's powers through different means such as social media and radio. The Planning, Liaison and International Affairs Unit has also approached business and trade associations to give compliance, leniency and prevention courses.</p> <p>As for cartels, COFECE has worked hard to produce radio spots and leaflets in order to raise public awareness on these anticompetitive conducts.</p> <p>Over more, in 2015 the Commission published Guidelines with easy and accessible explanations regarding cartel investigations, the Commission's powers, the initiation of investigations and the leniency program. In 2020, the Commission has made an effort to update these Guidelines.</p> <p>COFECE has also used new mechanisms to protect both health systems and the well-being of consumers who could be affected during the pandemic. With the ongoing sanitary crises, the Investigative Authority has issued targeted warnings to sectors that could risk collusive behavior. These warnings have been notified in the form of warning letters to key players of risk sectors such as pure alcohol, real estate and basic foods for Mexican society like tortillas. The information retrieved by the Commission regarding those sectors did not suggest illegal behavior, however in an effort to increase outreach and avoid collusive conducts such letters were notified.</p> <p>The outreach has been an ongoing effort, and will continue to be, in order to promote legal and healthy competition practices among the companies in Mexico.</p>
South Africa	The Commission has undertaken training to various government departments in order to familiarise them with ways to detect bid rigging. This effort has paid off since the Commission has received a substantial number of complaints from the government some of which have been settled and successfully prosecuted at the Tribunal and courts.

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VIII.TARGETED RECRUITING

Competition Authority	Supplemental Excerpts
Australia	Following the creation of a dedicated Cartels Branch, the ACCC has recruited broadly and for example has sought to hire people from private practice with experience in cartel matters. In addition, following the criminalisation of cartels, the ACCC also targeted recruiting of people with a criminal enforcement background.
Austria	Especially for lawyers and economists experienced in the field of competition and IT-experts; increased number of selection hearings, partly assessment center challenges.
Belgium	We always recruit for a targeted profile
Canada	The Bureau increased its recruitment from diverse educational and professional backgrounds to ensure that its teams benefit from wide-reaching expertise and varying perspectives.
Chile	The FNE conducts public, objective and open processes for all its recruiting decisions. In all cases, hiring decisions are taken based on preestablished criteria (that heavily rely on scores obtained at tests designed by the FNE). At the entry level, most of the recruited candidates come from the top 10% of their class at the most important local Universities. For lateral hiring, most selected candidates have postgraduate degrees from the highly ranked international universities.
Colombia	The recruiting takes into account the experience related to cartel detection and enforcement.
Denmark	The Cartels unit aims at hiring people with investigation skills
EU	DG Competition has recruited lately specialized profiles such as data scientist, digital investigator, OSINT/WEBINT specialist and tender data analyst to benefit from their digital and investigations skills. Digitalization of the economy and industry requires specific expertise to move towards a digital enforcement.
Hong Kong	10 years ago – the CC was not yet established

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	By the end of 2020 – Within the Operations division which investigates anti-competitive conduct, the Commission targets in recruiting candidates with backgrounds in investigations and/or appropriate qualifications, particularly in law and economics.
Japan	The JFTC has continued to recruit experienced individuals in private sector such as lawyers, accountants and IT specialists in the past 10 years.
Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>Staff with extensive investigative and enforcement backgrounds are recruited into the criminal enforcement division.</p>
Israel	Yes, looking for experience in investigations and intelligence, computer expertise and criminal prosecutions.
Mexico	<p>Particularly the Investigative Authority's Intelligence Unit has focused its recruiting on data scientists, engineers, intelligence specialists, former law enforcement agents, psychologists, among others.</p> <p>Giving the lack of specialists in the country the Anti-Cartel Unit has targeted its recruitment to lawyers and economists and takes on the task to train them.</p> <p>The increasingly specialization of the professionals hired by the Investigative Authority for cartel enforcement has improved the quality and depth of its cartel investigations, confirmed by a rate of 86.11% confirmed COFECE decisions by the Judiciary in 2017.</p>
Russia	The FAS Russia organizes scientific and pedagogical work in the field of competition law, aimed at teaching senior students the doctrinal foundations of competition law, their acquaintance with the current state of antimonopoly legislation, informs students about the practice of antimonopoly investigations carried out by the FAS Russia; stimulates scientific research and discussion in the scientific environment of modern problems of competition law, as well as wide involvement of students in scientific discussions; involves students in the work of the FAS Russia with the aim of their

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	<p>further employment in the antimonopoly authorities of the Russian Federation, creates basic departments of competition law in more than 50 universities in Russia.</p> <p>The result of this practice is an increasing interest in competition law and the work of the anti-monopoly body from the side of students and graduates every year.</p> <p>At the same time, it should be noted that not only lawyers and economists show interest in this area, but also graduates in the areas of economic security, innovations, engineers, etc.</p>
South Africa	<p>The Cartels Division has targeted those individuals with forensic investigation experience and prosecutorial abilities.</p>

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IX.RECRUITING/INCREASED STAFFING OF IT SPECIALISTS

Competition Authority	Supplemental Excerpts
Australia	<p>In recent years, the ACCC has sought to strengthen and improve its IT systems as well as build on our crucial data analytics capabilities.</p> <p>In particular, the ACCC has recently invested in a new criminal investigation & evidence management application, COMtrac, to support the cartels branch with managing its criminal investigations.</p>
Austria	<p>Establishment of IT-experts at the BWB.</p>
Belgium	<p>1 person</p>
Brazil	<p>For the development of the Brain Project, a system for fighting cartels, 4 experts in data treatment and information technology were recruited.</p> <p>The strategy adopted was to use the periodic selection of civil servants held by CADE to find professionals with the required profile. Upon interview and interest of the candidates, requests have been made to their original government body, and upon authorization, they were integrated to work on the project.</p>
Canada	<p>The Bureau is increasing recruitment of specialty skills to meet the Bureau's needs in the digital era, such as data scientists and data engineers to advance analytics, algorithms, machine learning and data mining.</p> <p>-The Bureau hired a CDEO (see the response under “Digital Evidence Gathering” in the previous section).</p>
Chile	<p>Since its creation in 2013, the Anti-Cartels Division has hired IT/Forensics specialists as well as Data Scientists</p>
Colombia	<p>The IT Department has increased in the last years also having a contract with an outsourcing company to complement the SIC needs related to IT</p>
Czech	<p>Involvement of IT specialists from IT department in cartel cases, cooperation during the dawn raids</p>

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Denmark	The Cartels unit aims at hiring people with forensic IT skills. Recently the unit has been expanded with a Data Scientist.
EU	DG Competition has recruited lately specialized profiles such as data scientist, digital investigator, OSINT/WEBINT specialist and tender data analyst to benefit from their digital and investigations skills.
Finland	2012: first full-time forensic IT specialist (FIT) in the enforcement unit, also cooperation during inspections with the IT department specialists as well as with external consultants 2014: second full-time FIT specialist 2018: third full-time FIT specialist
Germany	Since 2018, the Bundeskartellamt has started to hire IT experts and experts for data science and will further increase its work force in that field.
Hong Kong	10 years ago – the CC was not yet established By the end of 2020 – The CC is focusing on obtaining the necessary IT expertise through targeted hiring and providing appropriate training to existing staff.
Hungary	The use of forensic-IT procedures is a special area of expertise of the Cartel Detection Unit, the development of which is strongly promoted by the GVH, including the development of tools, software, and the training of the staff. This result in an increased effectiveness of evidence gathering.
Ireland	31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.

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	<p>A digital forensics resource, initially within the Competition Authority's in-house ICT function, was moved to, and developed, within the CCPC's Criminal Enforcement Division since December 2016. The Digital Investigations Unit (DIU) offers forensics, eDiscovery and open source intelligence gathering tools, and support, across the CCPC. Staff in the unit come from digital and investigation backgrounds and maintain an intense schedule of up to date training in the ever expanding range of tools now available to the CCPC, from DIU.</p>
Israel	<p>Yes, looking for experience in investigations and intelligence, computer expertise and criminal prosecutions.</p>
Italy	<p>The AGCM has recently hired a data scientist and additional IT engineers to provide new skills across all enforcement areas including cartel detection.</p>
Japan	<p>The total number of staffs belonging to IT related sections increased from 26 to 62 by 36 in the past 10 years.</p> <p>The JFTC has set "IT Task Force" and has been implementing specialized examination, analysis and efficient investigation when the JFTC finds the information regarding suspected violation of the Antimonopoly Act in IT/digital sector.</p>
Poland	<p>In late 2020, we set up a new specialised unit within our internal structure – the unit is supposed to focus on dawn raids and forensic IT. This was followed by attempts to recruit more IT experts. It is too soon, however, to assess the effects of the changes in that regard.</p>
Russia	<p>The FAS Russia does not purposefully recruit specialists in the field of information systems and technologies. At the same time, as already noted, a digital investigations division has been created in the structure of the Anti-Cartel Department of the FAS Russia.</p> <p>At the same time, in the structure of the FAS Russia, such departments as the Department for Regulation of Communications and Information Technologies, as well as the Department for Control over State and Municipal Information Systems have been created.</p> <p>At the same time, in order to ensure the functioning of the FAS Russia in 2012, by the order of the Government of the Russian Federation, the Federal Budgetary Institution "Information and Technical Center of FAS Russia" (FBU) was created.</p>

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	<p>When carrying out nonscheduled dawn raids on the basis of anti-competitive agreements (cartels), the FAS Russia began to involve employees of the FBU as specialists.</p> <p>Today, almost all of the dawn raids are carried out with the participation of FBU IT specialists, who not only promptly copy electronic information onto special media, but also solve emerging problems associated with finding servers, copying information from servers, copying information from computers in case of opposition from of the person being checked.</p>
Turkey	<p>Since 2013, the TCA has started to hire IT experts and experts for data science and will further increase its work force in that field.</p>
United States	<p>In 2019, the Antitrust Division created a new criminal e-discovery attorney position. This change has improved our enforcement efforts.</p>

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X.OTHERS

Competition Authority	Supplemental Excerpts
Hungary	<p>The GVH has been systematically developing its organizational culture, work processes and internal control system and operates various forms of knowledge management.</p> <p>The strategic goal of the HR management is, on the one hand, that the GVH offers case handlers attractive, varied career opportunities due to their professional experience, on the other hand, the establishment of a professional workshop provide the most up-to-date knowledge to colleagues.</p>
Ireland	<p>31 October 2014 Competition and Consumer Protection Act 2014 merged the Competition Authority with the National Consumer Agency to become the Competition and Consumer Protection Commission (CCPC). Competition and consumer protection functions were blended across teams in the new organization. On 31 October 2014 Officers previously dedicated to investigation of criminal breaches of the Competition Act only, that is cartel offences, also took on investigation of criminal breaches of consumer protection legislation.</p> <p>An intelligence function is being developed within the DIU of the Criminal Enforcement Division of the CCPC.</p>
Israel	<p>The ICA has been paying special attention to trade associations, and over the past few years has indicted a number of trade associations.</p>

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D. PERCEIVED IMPORTANCE OF CARTEL ENFORCEMENT

I. EFFECTIVE ENFORCEMENT ACTIONS

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers that effective enforcement actions can significantly influence the perception of the ACCC's enforcement program when coupled with the use of media to facilitate information sharing to the wider community.</p> <p>In particular, with the criminalisation of cartels and the first criminal cases being commenced, the exact extent is yet to be tested, however there is an anecdotal connection between the increase in criminal cartel prosecutions and an increase in immunity applications received under the ACCC's Immunity Policy.</p>
Austria	<p>In the last decade, BWB successfully filed applications for fines in 69 cartel cases to the Austrian Cartel Court; further successful applications for fines regarding gun jumping in merger cases.</p>
Belgium	<p>Settlements, interim measures and a few merger control cases (mostly when involving media)</p>
Bulgaria	<p>Prevention of bid-rigging</p>
Brazil	<p>There was a significant increase in the number of investigations. Some markets were found as particularly harmed by cartels, such as the market of auto parts (from 2012 to 2020, CADE decided on 18 proceedings, with 10 convictions) and the market of public works (from 2012 to 2020, CADE decided on 27 proceedings, with 20 convictions).</p>
Chile	<p>By far, what has most affected the perception of the importance of cartel enforcement in Chile has been effective enforcement actions. A bit more than 10 years ago cartels were almost unknown to the general public. In a 2017 poll, cartels were ranked as the fifth phenomenon that caused more anger to the general population[1].</p>

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	<p>Particularly 3 cases that involved sensitive consumer goods, household brands and some of the most important business conglomerates in the country contributed to make cartels a very well-known phenomenon: the retail pharmacy case, the poultry case and the toilet paper cases. All three of them were on the front cover of all national newspapers and received wide coverage on tv. According to another poll, the retail pharmacy case was the one with the most negative impact on trust in private companies, ranking over several corruption and financial scandals[2] .</p> <p>[1] https://www.cooperativa.cl/noticias/pais/politica/encuestas/lo-que-mas-provoca-rabia-en-los-chilenos-segun-la-encuesta-cooperativa/2017-03-13/203442.html</p> <p>[2] Plaza pública Cadem, Track Semanal de Opinión Pública, December 2016, p 36.</p>
Colombia	It has an impact in terms of deterrence and the creation of a culture of competition.
Cyprus	<p>Infringement Decisions and Penalties</p> <p>Increased public awareness and business community awareness</p>
Czech	<p>The possibility to impose high fines.</p> <p>The undertakings are afraid of these high fines</p>
EU	DG Competition has a continuous record of decisions in cartel cases covering a wide range of sectors. These decisions imposed fines commensurate to the infringements that are qualified in nature as very serious. This has sent a message that the Commission has a zero tolerance policy towards cartels.
Finland	<p>Over the last 5 – 6 years the FCCA has succeeded in finding enough evidence on various horizontal infringements to take cases to court.</p> <p>Court processes and decisions have been covered in national media.</p>
Germany	<p>Successful enforcement actions generally receive a wide press coverage and significantly influence the perception of our cartel enforcement. Statistics can be found in the Bundeskartellamt's annual report which provides a concise overview of facts and figures as well as the most important cases of the year, https://www.bundeskartellamt.de/EN/AboutUs/Publications/Annual_Report/annual_report_node.html</p>
Hong Kong	10 years ago – CO was not enacted.

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	By the end of 2020 – CO came into full effect on 14 December 2015. CC has brought 7 cases to CT, 6 of which are related to cartel conducts. 5 cases have been ruled in favour of CC and substantial fines have been imposed on the respondents. The remaining 2 cases are undergoing. It shows the public and the business community that CC and CT are serious on cartel enforcement.
Hungary	<p>The procedures of the GVH are administrative in nature. Two thirds of the cartel cases in the GVH's practice are bid rigging cases and it should be noted that the GVH has imposed the largest fines in cartel cases concerning public procurement cartels.</p> <p>Effective enforcement actions contribute to ensure deterrence and increases compliance</p>
Ireland	<p>First criminal conviction in Ireland for bid rigging</p> <p>Appeal of sentence and sentence increased</p>
Israel	Several successful criminal prosecutions, including jail time for defendants. These are covered by the media, and the public, including the business community, are aware of them.
Italy	<p>The AGCM has increased its anti-cartel enforcement activity, which have covered a broad range of markets, from “traditional” industrial products (cardboard packaging, cement), to more sophisticated services (technical assistance and facility management), with focus on bid-rigging cartels.</p> <p>The AGCM focus on fighting bid-rigging cartels has been appreciated by government agencies as it has contributed to a more cost-effective spending in the public sector.</p>
Japan	<p>The JFTC have acted strictly and vigorously against violations of the Antimonopoly Act especially bid-rigging and price-fixing cartels. As a result of these efforts, legal measures (bid-rigging and price-fixing cartels) were taken in 112 cases during the past 10 years.</p> <p>These effective enforcement actions have significantly influenced extensive groups through press releases by the JFTC and the media.</p>
Mexico	Several COFECE enforcement actions regarding cartel investigations have brought considerable attention to the Commission, influencing the perception of cartel enforcement.

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	<p>On one hand, some on-site inspections have been covered by national media due to the relevance of the undertakings investigated particularly in 2018. This has helped to increase awareness regarding cartel enforcement and COFECE's powers.</p> <p>On the other hand, an investigation that started in 2016 regarding the financial market reached out to the general international public resulting in class action lawsuits presented in the US.</p> <p>There have been also criminal complaints presented by COFECE in 2017 and 2019 regarding cartels in public procurements that have also greatly influenced the general public perception regarding cartel enforcement.</p> <p>Finally, other examples of effective enforcement actions that have had important media coverage are the relevant fines imposed by COFECE. In 2017 COFECE imposed its largest fine yet regarding a cartel in the pension fund administration services market of 1.1 billion Mexican pesos (over 58 million US dollars), in 2020 COFECE imposed another large fine regarding a cartel in public health procurements of 600 million Mexican pesos (approximately 30 million US dollars).</p>
Poland	<p>This factor did influence the perception of cartel enforcement in our jurisdiction.</p> <p>While large cartels are rarely cracked down in our jurisdiction, we believe that each example of effective enforcement action attracts much attention of the business community and sends a strong signal that cartels will be severely punished. It is hard to establish to what extent effective enforcement action influenced the perception of cartel enforcement, however we have noticed e.g. that companies subject to our investigations are more aware that discussing prices is illegal.</p>
Russia	<p>Today we can talk about the already formed law enforcement practice of combating cartels and other anti-competitive agreements. The powers of the antimonopoly authority make it possible to promptly respond to the anticompetitive behavior of market participants, and the possibility of bringing to administrative responsibility signals the market about the inevitability of punishment for a committed offense</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	<p>Dawn raids have played a major role in this regard</p>

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Spain	Publicity web site, media, CNMC Resolutions sanctioning cartels, included identity individuals fined.
Turkey	In the recent past, there has been some landmark cases which caught the public attention since the fines were relatively high or the case was a prototype in the relevant market (as it is the case with the Google Shopping, Fuel, Sahibinden.com Decisions).
United States	Bringing effective enforcement actions is the most important factor that influences perception of U.S. cartel enforcement by the public, media, business community, defense bar, and other government agencies. Since the beginning of Fiscal Year 2011, which began on October 1, 2010, the Antitrust Division has charged 433 individuals and 158 corporations with cartel conduct. Detailed statistics about the Antitrust Division's criminal enforcement efforts can be found here: https://www.justice.gov/atr/criminal-enforcement

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II.MEDIA COVERAGE

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers media engagement and coverage as an important tool to increase awareness among the media, consumers and businesses on the ACCC's enforcement program across the economy.</p> <p>In particular, the ACCC expects that extensive media coverage of high profile cartel cases, including the cases against ANZ et al, and Blue Scope, which were covered extensively in mainstream business publications is likely to have raised awareness of the ACCC's role in combating cartels with businesses and political leaders as well as the media and general readers</p>
Austria	<p>Increased media coverage due to successful court cases in combination with advocacy tools, e.g. BWB Standpoint on Resale Price Maintenance after price fixing cases in the food retail industry.</p>
Belgium	<p>Settlements, interim measures and a few merger control cases (mostly when involving media)</p>
Brazil	<p>The media interest in the cases is usually determined by the relevance of the economic sector under investigation, the extent of the investigations and search and seizure procedures. The cartel in government procurements has had a great emphasis within the last 5 years.</p> <p>The articles with greater highlight regarded the investigation of cartels in government procurements (procurement for the construction of metropolitan trains systems – subways), which were broadcasted by Jornal Nacional, a television news that has the largest audience in Brazil:</p> <p>https://globoplay.globo.com/v/6368463/</p> <p>https://globoplay.globo.com/v/2737932/.</p>
Canada	<p>When effective enforcement actions, resolutions, etc. are reported in the media, it increases public awareness of the Bureau and the cartel provisions. This could lead to tips from the public, general deterrence, new immunity/leniency applications and an awareness among the defence bar that the Bureau will not hesitate to take action when warranted.</p>

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Chile	The FNE has also directed efforts to explain the Chilean competition laws to the media. For example, the FNE holds an annual conference, open to all media and journalists, to explain our competition laws and systems. We also hold an annual or biannual meeting with the editors of all media outlets specialized in business.
Colombia	It has an impact on the display of the authority's work and, consequently, has an impact on the expected deterrent effect.
Cyprus	Constant issuance of press releases by the competition authority Increased public awareness and business community awareness
Czech	Ignorance of law, complexity of proving cartel agreements. Complexity of the issue.
Denmark	The publicity related to enforcements actions has increased the preventive effect.
EU	DG Competition reports on all cases closed by decisions via press releases and on larger cases through a press briefing by the Commissioner for Competition.
Finland	Over the last 5 – 6 years the FCCA has succeeded in finding enough evidence on various horizontal infringements to take cases to court. Court processes and decisions have been covered in national media.
Germany	The pressure of enforcement is at a consistently high level in the last years; this process was supported by intensive advocacy. It can be noted that against this background the companies are probably stepping up their compliance programs. Furthermore, dawn raids conducted and fines imposed by the Bundeskartellamt generally receive a wide press coverage.
Hong Kong	10 years ago – CO was not enacted. By the end of 2020 – CO came into full effect on 14 December 2015. As discussed above, CC has brought 7 cases to CT, 6 of which are related to cartel conduct. They have received extensive media coverage. It shows the public and the business community that CC and CT are serious on cartel enforcement.

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Hungary	The GVH as a transparent public body places great emphasis on the proper information for the public. For this purpose, the GVH publishes annual report of its activities and press releases in any relevant topics including cartel cases.
Ireland	National coverage in the media of the conviction and appeal outcome
Israel	The ICA has an active director of public relations. ICA enforcement actions are brought to the attention of the public through various media channels.
Mexico	<p>This could be considered as the main factor that influences the public's perception regarding cartel enforcement. Every new cartel investigation or ruling regarding a cartel cases has intensive media coverage, raging from newspapers, radio programs and telecasted news.</p> <p>The media outlets that cover COFECE's actions vary depending on the topic, they go from general media to specialized media. On one hand, certain issues like small investigations are intensely covered by local media (for example, small cartels in specific areas of the country), national investigations are covered by national and sometimes international media outlets, depending on the effects the investigation can have in global markets (for example investigations on the financial sector).</p> <p>A good example of intense media coverage for cartel investigations carried out by COFECE is an investigation that initiated in 2018 in the market of football (soccer) players. Since it involved the signing of players of Mexico's most important sport it received coverage even from national sports media. Another example of intense media coverage regarding cartel investigations are those investigations regarding public health procurement, due to the relevance of the sector for the overall population.</p> <p>Since 2014, COFECE also has a specialized Unit that focuses on media coverage, constantly preparing easy, didactic materials and obtaining interviews from many national and international media outlets. This unit also ensures COFECE's relevance and presence in social networks, with Instagram, YouTube, Facebook and Twitter accounts, constantly seeking to increase its audience.</p>
Poland	<p>This factor did influence the perception of cartel enforcement in agency's jurisdiction.</p> <p>Poland considers this factor to be on a par with effective enforcement actions. Both factors are closely linked.</p>

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Russia	<p>The FAS Russia is an open and transparent agency, therefore, it regularly posts information (releases) on its official website about all initiated cases of cartels and other anticompetitive agreements, decisions made, fines imposed, and the results of judicial appeal. The FAS Russia also publishes the decision (on its website) in the public domain all procedural acts (decisions, rulings, decisions).</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	Successes at the Tribunal and courts are covered by the media
Spain	Crucial
Turkey	Both the case decisions and market research regarding the markets such as e-commerce platforms and fast moving consumer goods occupied the media a great deal.
United States	<p>The Antitrust Division regularly issues press releases when a new case is filed, which generates public awareness of our enforcement actions. Antitrust Division press releases are available here:</p> <p>https://www.justice.gov/atr/press-releases</p>

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III.INCREASED/DECREASED BUSINESS AWARENESS

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers that increased business awareness has positively impacted the effectiveness of its Immunity Policy. The ACCC has experienced a steady increase in approaches for immunity since the policy was introduced, and in particular following criminalisation.</p> <p>In particular, the number of immunity approaches has increased noticeably in the past 12 months. This may be attributable to the increased number of criminal cartel charges, prosecutions and outcomes noted above, some of which have involved significant media coverage.</p> <p>It aligns with research into the Australian business community that has found that when business people are aware of the criminal consequences of cartel behaviour, they are more likely to expect detection and prosecution of cartel behaviour.</p>
Austria	<p>Increased business awareness</p> <p>Increased awareness due to successful court proceedings, penalties for competition infringements, media coverage and advocacy tools.</p>
Brazil	<p>There is a considerable increase on the adoption or reinforcement of compliance programs by organisations in Brazil, to which competition matters benefit from a particular concern, according to the KPMG 2020 survey on compliance maturity (available at: https://assets.kpmg/content/dam/kpmg/br/pdf/2019/10/br-pesquisa-de-maturidade.pdf).</p>
Canada	<p>The Bureau established a Compliance Unit in 2015. It promotes compliance with the Act, promotes the adoption and implementation of credible and effective compliance programs to businesses and evaluates corporate compliance programs. The Bureau issued an updated</p> <p>Bulletin on Corporate Compliance Programs in June 2015 (first published in September 2010).</p> <p>These efforts likely deter cartel offences and could result in immunity or leniency applications.</p>
Colombia	<p>The Superintendence of Industry and Commerce supported an ICONTEC initiative in the development of a voluntary technical standard on free trade practices. As a result of this work, Colombia now has</p>

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	NTC 6378, which aims to provide guidelines for companies to implement programs to comply with the free competition compliance programs of the free competition regime within the organizations.
Cyprus	Infringement Decisions and Penalties Increased public awareness and business community awareness
Czech	Increase of concerns related to imposition of higher fines in recent years. Raising awareness among undertakings and lawyers concerning reduction of fine in case of leniency and settlement procedure.
Denmark	In particular the introduction of the possibility of imprisonment and a high level of fines has led to an increased awareness of the competition rules amongst undertakings
EU	Business awareness increased over the last decade.
Germany	Public and business awareness have increased over the last ten years.
Hong Kong	10 years ago – CO was not enacted. By the end of 2020 – CO came into full effect on 14 December 2015. As discussed above, CC has brought 7 cases to CT, 6 of which are related to cartel conduct, and they have received extensive media coverage. Together with CC’s outreach programs to the business community, they increase the awareness of the business community to cartel conducts.
Hungary	In 2014, along with the development of the ‘Cartel Chat’, the GVH launched a campaign on leniency “Breaking the silence” (“Nem marad köztetek”) to improve undertakings’ knowledge of cartels and competition law abiding business behaviour, and to also provide for a further means of cooperation. Increased business awareness could promote cartel detection
Ireland	Introduction of videos on price fixing and bid-rigging in 2020 The videos are published on the CCPC website and promoted at presentations to business and procurement officials
Israel	Yes, increased business awareness.

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	Increased business awareness results in greater deterrence, but also in more sophisticated efforts by cartel members to cover their tracks.
Italy	The introduction in 2014 of the possibility of compliance program as a mitigating factor and the publication of the AGCM's Guidelines on Antitrust Compliance in 2018
Mexico	<p>In 2017 McKinsey & Company conducted a study to analyze the awareness on competition matters and the perception on general competition enforcement by the business community, media, public servants and defense attorneys. Its findings show that the sector with better knowledge regarding COFECE's purpose and competition issues is the specialized sector: defense attorneys. The study also shows many confusions regarding COFECE's purpose, its powers and competition legislation and provisions.</p> <p>In this sense, COFECE has made an important effort to raise awareness, specially regarding the business community and public servants, with advertisement campaigns and informative sessions, particularly in trade associations. Even if we can assume that there is an increase in business awareness, we can presume it is slow.</p> <p>The Commission has made great efforts to maximize awareness regarding antitrust regulation, both for the private and public sectors, with emphasis in the importance of designing and maintaining a solid compliance program that includes antitrust issues. In this regard, COFECE published in 2015 a document of recommendations to design effective antitrust compliance programs, that can be used by the public and private sector. In 2019, COFECE issued a new version of the recommendations document with an updated analysis.</p> <p>COFECE strongly advertises these informative documents to increase antitrust and cartel awareness.</p>
Poland	<p>This factor did influence the perception of cartel enforcement in our jurisdiction.</p> <p>Poland considers this factor to be on a par with effective enforcement actions. Both factors are closely linked.</p>
Russia	In order to increase the level of knowledge of entrepreneurs about possible risks and ways to eliminate them, the FAS Russia has developed a draft law on the introduction of antimonopoly compliance.

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	<p>It is understood as a set of legal and organizational measures provided for by an internal act (acts) of an economic entity and aimed at complying with the requirements of antimonopoly legislation and preventing its violation.</p> <p>At the same time, the FAS Russia regularly holds meetings with representatives of the business community, during which issues of anti-cartel law enforcement are also raised.</p> <p>Separately, we note that in order to clarify possible risks, the FAS Russia is also preparing methodological manuals, in particular, on the prevention of violations of antimonopoly legislation during unscheduled field inspections.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	<p>All aspect of the Commission's work involves businesses. As such there is almost automatic exposure in enforcement action itself.</p>
Spain	<p>Also increased due detection and sanction more cartel cases.</p> <p>From 1996 to 2008, the Spanish Competition Authority fined only 14 cartels, but from 2009 to 2020, 79 cartels have been fined.</p> <p>The entry into force of the Leniency Programme in 2008 is one of the reasons of this increase in cartels sanctioned, reinforcing also investigation powers with forensic IT tools in the dawn raids.</p>
Turkey	<p>Due to competition advocacy activities, more than 20 years of enforcement and media coverage business awareness have been raising.</p>
United States	<p>The Antitrust Division regularly conducts outreach to the business community through training programs designed to educate businesses about cartel conduct, the penalties for engaging in such conduct, compliance and prevention, and the leniency program. The Antitrust Division also maintains and updates a variety of resources for businesses on its public website.</p>

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IV.PUBLIC OUTREACH

Competition Authority	Supplemental Excerpts
Australia	<p>Community education and outreach is a key element in emphasising the seriousness of cartel conduct and the value of early cooperation. The ACCC placed considerable resources into raising awareness of criminal cartel laws before securing criminal prosecutions.</p> <p>The ACCC considers that it is important to have ongoing outreach work to maintain public and business knowledge. While engaging in outreach has been hindered somewhat due to the Covid 19 pandemic, we are hopeful that we can return to a more regular outreach program in the year ahead.</p>
Austria	<p>Various advocacy tools: events (e.g. Vienna Competition Conference 2014, Competition Talks) publication of standpoints and guidance documents, lectures at Universities, video clips on BWB website.</p>
Cyprus	<p>Organization of competition law conferences</p> <p>Increased public awareness and business community awareness</p>
Czech	<p>Greater openness of the Office, development of educational material for general public, raising awareness and trainings for general public (conferences, seminars).</p> <p>Better awareness of the general public concerning activities of the Office.</p>
Denmark	<p>The DCCA regularly makes campaigns in order to raise awareness on the competition rules</p>
EU	<p>Public outreach continues in the context of conferences and contacts with the media. The Commission also consults citizens and stakeholders on policy making in different EU areas.</p>
Finland	<p>Since 2017 the FCCA has toured major cities in cooperation with the Tax Administration's shadow economy specialists. The aim is to raise awareness of procurement specialists and city management of the risks of bid rigging, of competition law and the FCCA's cartel enforcement.</p>
Germany	<p>Our website provides guidelines and other written materials to educate the public on cartel enforcement.</p>

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Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – As discussed above, CC has conducted engagement events reaching different sectors in Hong Kong since its setup in 2013. In 2019/2020, CC has conducted over 70 engagement events in Hong Kong.</p>
Hungary	<p>Based on the complaints and market signals received, the GVH regularly issues various information brochures and documents to draw the attention of consumers to certain current issues.</p> <p>The GVH regularly conducts so-called awareness surveys to determine the awareness of its activities among the population. These surveys are carried out at least annually. The results of the surveys are published on the website of the Authority. Moreover, there are numerous awareness programs expressively for consumers in the field of consumer protection.</p>
Ireland	<p>Public outreach and awareness programmes on price fixing and bidrigging in 2020</p> <p>Outreach in news media and social media platforms and transit advertising</p>
Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p> <p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Mexico	<p>COFECE has implemented a massive advertisement public campaign in order to raise awareness of economic competition legislation and COFECE's powers. As for cartels, COFECE has worked hard to produce radio spots and leaflets in order to raise public awareness on these anticompetitive conducts.</p> <p>Over more, the Commission has published Guidelines with easy and accessible explanations regarding cartel investigations, the Commission's powers, the initiation of investigations and the leniency program.</p> <p>Additionally, in an effort to increase Public Outreach, COFECE has been organizing annual awards and contests open to the general public, that go from Poster designs that promote competition, to</p>

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	<p>policy and regulatory papers. This allows the general public to participate, investigate and contribute to the creation of an economic competition policy while increasing public outreach.</p> <p>COFECCE's Commissioners, and Head of Units also participate with law firm partners in Moot competitions regarding economic competition called "MootComp", that fosters the participation of young law students from renowned universities in competition matters.</p> <p>The outreach has been an ongoing effort to promote awareness, and will continue to be, in order to promote legal and healthy competition practices among the companies in Mexico.</p>
Japan	<p>Since the 2019 amendment includes important revision on cartel enforcement program, the JFTC has been vigorously advertising the contents of the amendment, through seminars, training session or the JFTC's website.</p>
Russia	<p>In order to develop a negative attitude towards cartels in society, as well as to understand the degree of public danger, the FAS Russia: conducts days of open doors for all comers, during which it tells about its activities; organizes annual contests for the best essay for schoolchildren on topics related to the negative impact of cartels and other anti-competitive agreements; develops and posts on social networks cartoons that explain in an accessible form the essence of cartels, etc.; conducts active work in social networks, where, inter alia, answers questions from citizens; publishes statistics and analytics on cartelized sectors of the economy and much more.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	<p>Training of procurers of goods and services</p>
Turkey	<p>Through media coverage, advocacy, press releases, symposiums with the participation of shareholders while conducting market researches</p>
United States	<p>The Antitrust Division's public website provides detailed training videos and written materials to educate the public on cartel enforcement.</p>

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V.INCREASE IN PENALTIES

Competition Authority	Supplemental Excerpts
Australia	As mentioned above, following the criminalisation of cartels, and the likely perception of the seriousness of cartel breaches now that criminal charges can be laid, the ACCC considers this has significantly influenced the perception of its cartel enforcement program.
Austria	More than approximately EUR 120 Mio out of the total of EUR 202 Mio in penalties were collected in the last decade.
Brazil	<p>Although the Law 12529/2011 has reduced the percentage of maximum fines from 30% to 20% of the parties' gross revenue, CADE's case law adopted progressive fines that resulted in record fines for the period.</p> <p>2010 Market of industrial and medical gases BRL 2,947,055,509.42 (USD 558,281,334.66)</p> <p>2012 Brazilian market of hydrogen peroxide BRL 147,874,281.91 (USD 28,012,859.34)</p> <p>2013 Market of fuel resale BRL 65,785,031.04 (USD 12,462,118.48)</p> <p>2013 Market of air cargo transport services BRL 293,318,298.50 (USD 55,565,336.53)</p> <p>2014 Market of air cargo transport services BRL 83,427,226.55 (USD 15,804,202.95)</p> <p>2014 Production of cement and concrete (concrete mass and mortar) BRL 3,151,941,615.57 (USD 597,094,342.57)</p> <p>2015 Market of fuel resale BRL 67,266,967.82 (USD 12,742,852.12)</p> <p>2018 Sodium Chloride BRL 278,643,005.09 (USD 52,785,293.07)</p> <p>2018 Market of flexible package BRL 297,960,964.47 (USD 56,444,829.21)</p> <p>2019 Market of fuel resale BRL 156,099,049.16 (USD 29,570,934.52)</p> <p>2019 Government procurements related to subway and/or train projects and backup system BRL 535,123,969.51 (USD 101,372,275.80)</p>

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Chile	According to a study conducted by Deloitte, 33% of competition lawyers considered the fines established in the 2016 amendment as highly deterrent. Sixty six percent considered the level of deterrence of fines as very high. Regarding the level of deterrence of criminal sanctions, 25% considered them to be high and 75%, very high.
Cyprus	Increased public awareness and business community awareness
Czech	Increase in fines has deterrent effect, there is greater media interest in cases concerning higher fines. Undertakings in relevant field will acknowledge the high fine imposed on their competitors (preventive and deterrent aspect of the fine).
Denmark	The introduction of the possibility of imprisonment and a high level of fines has led to an increased awareness of the competition rules amongst undertakings
EU	The absolute amount of fines imposed in the last decade went up. However, no new fining guidelines were adopted during the reporting period.
Germany	Increase in penalties lead to to increase in public awareness and business community awareness.
Hong Kong	Under section 93(3) of CO, the pecuniary penalty for conduct which constitutes a single contravention may not exceed 10% of the turnover of the undertaking obtained in Hong Kong for each year of contravention, up to a maximum of three years. The CC issued Policy on Recommended Pecuniary Penalties in June of 2020.
Hungary	The procedures of the GVH are administrative in nature. Two thirds of the cartel cases in the GVH's practice are bid rigging cases and it should be noted that the GVH has imposed the largest fines in cartel cases concerning public procurement cartels.
Ireland	For infringing sections 4 and 5 of the Competition Act 2002 ('the 2002 Act'): 1. Prison sentence: increased to ten years (up from 5 years), the maximum prison sentence for an individual convicted on indictment of a hardcore competition or cartel offence 2. Fines: on summary conviction a fine of up to €5,000 (up from €3,000), or, on conviction on indictment, to a fine of up to €5m (up from €4m) or 10% of worldwide turnover, whichever is the greater.
Israel	Courts have been imposing more severe sentences in cartel cases. More defendants are sent to prison. The longest prison sentence so far has been 11 months.

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	In addition, court-ordered seizure and eventually forfeiture of assets for money-laundering offenses in cartel cases.
Italy	<p>Over the past decade, and in particular in last five years, the overall amount of sanctions imposed by the AGCM has increased substantially, reaching the record amount of 691 million euros in 2019.</p> <p>The introduction of sanctioning guidelines in 2014 has increased transparency and predictability of the AGCM's sanctioning policy in relation to hard-core cartels.</p>
Japan	The amount of surcharge has significantly influenced extensive groups through press releases by the JFTC and the media.
Mexico	<p>The most significant increase in penalties regarding Cartel enforcement, is its criminal status and the risk of 5 to 10 years of imprisonment.</p> <p>Criminal liability has had an important influence in the perception of the importance of cartel enforcement, and therefore the Leniency program.</p> <p>In 2012 a significant amendment was made to the Competition Law, for the first time the possibility to seek damages from third parties affected by the conduct is possible.</p>
Russia	<p>Yes, over the past 10 years, changes have been made to the Code of Administrative Offenses of the Russian Federation and the Criminal Code of the Russian Federation in terms of determining legal liability for anti-competitive agreements.</p> <p>In terms of administrative responsibility, Federal Law No. 74 as of April 17, 2017 amended the Code of Administrative Offenses of the Russian Federation to toughen the liability of officials and legal entities: the size of the administrative fine and the period of disqualification for officials were increased; the limits of appointment of an administrative fine for legal entities have been increased; differentiation of administrative responsibility for cartels, illegal coordination of economic activity, vertical agreements, etc. was established. The changes also affected the procedure for calculating the fine.</p> <p>In terms of criminal liability, Article 178 of the Criminal Code of the Russian Federation (Restriction of Competition) was supplemented with such types of punishment as forced labor with the deprivation</p>

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	<p>of the right to hold certain positions or engage in certain activities (Federal Law dated 17.12.2011 No. 420-FZ).</p> <p>These changes, among other things, are aimed at establishing legal liability proportionate to the offenses / crimes committed.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	<p>The Commission has imposed sizable penalties which serves as deterrence.</p>
Spain	<p>Since 2016, in addition to sanctioning undertakings participating in cartels, also individuals at a managerial level have been fined up to 60,000 euros. Since then, and up to 2020, fines upon managers have been imposed in eight cartel cases. Our Supreme Court has supported CNMC in fining individuals, explicitly in publishing the names of said individuals sanctioned in the final CNMC Decision.</p> <p>This is extremely important as 60,000 euros might not have much of an affect but adverse publicity certainly will, increasing the dissuasive power of Competition Authority and, as we can state, the number of leniency applications presented directly by natural persons to avoid the fine and also that bad publicity.</p>
Turkey	<p>The Turkish Competition Authority (TCA) has been imposing higher fines in order to provide deterrence.</p>

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VI.ADVOCACY WITH DOMESTIC GOVERNMENT ENTITIES

Competition Authority	Supplemental Excerpts
Australia	<p>As mentioned previously, the ACCC has invested significant resources into developing its relationship with other agencies involved in the process for obtaining criminal sanctions in relation to Cartels, such as the CDPD and the Australian Federal Police (AFP).</p> <p>The ACCC also engages in regular outreach to other domestic government entities to encourage information sharing and early detection of cartel conduct.</p>
Austria	<p>Advocacy on bid rigging with regional governments and communities.</p>
Brazil	<p>CADE signed a Technical Cooperation Agreement until 2019 with the Prosecution Services of all the 26 Brazilian states and the Federal District, with the Federal Prosecution Services (particularly regarding advocacy, Cease and Desist Agreement, and Leniency) and the Prosecution Services within the Court of Accounts of the Federal District. Furthermore, CADE has held courses about cartels with a range of them and increased criminal prosecution against cartels in Brazil on the part of State and Federal Prosecution Services, usually in cooperation with the antitrust agency. “This has facilitated co-operation in the Car Wash operation cases. Agreements signed with state prosecutors has also led to co-operation that has led to the disclosure of other cartels. For example CADE’s collaboration with the Federal Prosecution Service of the State of Parana regarding the signing of a leniency agreement in the context of the Car Wash operation, resulted in the disclosure of a cartel in the public bids for the concession to operate the Belo Monte hydroelectric plant” (Peer Review OECD).</p> <p>We highlight the Memorandum of Intent signed in March 2016, with the Group for Fighting Cartels of the Federal Prosecution Services of the State of Sao Paulo, as an example of interinstitutional cooperation.</p>
Canada	<p>The Bureau actively encourages the adoption of pro-competition positions, policies, and behaviors by domestic regulators and government. In addition, the Cartels Directorate has provided outreach presentations to a variety of police forces and senior Bureau officials have met regularly with senior officials of a number of different police forces. These outreach efforts have been geared towards educating police forces about the mandate and policies of the Bureau and improving collaboration</p>

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	amongst law enforcement in Canada. As a result of these efforts, domestic police forces have referred cases of suspected cartel activity to the Bureau.
Bulgaria	Yes
Chile	Advocacy has also been important. The FNE has been particularly active advocating against bid rigging. In 2011 the FNE published guidelines on competition and public procurement, directed mainly to advise public entities how to design more competitive tenders and how to detect suspicious behavior. After that, the FNE has continually trained public servants to advocate for more competitive tender designs and to help them detect collusive behavior. Also, in 2011, the FNE signed an MOU with the Public Procurement Office gaining real time access to all government purchasing data.
Cyprus	Seminars and Manual on Bid Rigging organization of competition law conferences Increased awareness of public officials
Czech	State authorities have better information concerning the activities of the Office. Based on the cooperation between entities, we see increase in the number of complaints send to the Office concerning infringements of the competition law.
EU	The cooperation with national non-competition enforcers allowed for an increase in their awareness of cartel enforcement. DG Competition delivers training activities to non-competition enforcers to develop their capability to detect and report leads and evidence of cartel infringements identified during their daily investigation activities.
Finland	Since 2015 the FCCA has increased its presence in various cross-authority working groups. This has led to wider acknowledgement of the damaging nature of cartels and the FCCA's enforcement efforts. Cartels are now widely accepted as one form of shadow economy, which is one of the current government's priorities. This has led i.a. to new strategic programs fighting cartels and increased funding for a number of projects (data analytics, improved availability of procurement data)
Germany	Together with the public prosecution offices and competition authorities of the Länder the Bundeskartellamt has set up a "Network on Bid-Rigging Agreements" ("Netzwerk Submissionsbetrug") which is to intensify the joint prosecution of bid-rigging agreements and make it

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	more effective. These measures have increased the clear-up rate, which together with the threat of fines, also deter illegal agreements.
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – Since the CO having come into full effect, the CC has conducted a number of workshops training and briefing sessions for policymakers, other law enforcers and public bodies.</p> <p>For instance, in September 2018, in collaboration with two leading competition experts – Prof Richard Whish and Prof William Kovacic the CC organised a series of tailored workshops to equip officials from the public sector with competition law and policy knowledge. These trainings raised officials’ awareness and understanding of competition law which are critical to the CC’s enforcement and investigation work.</p>
Hungary	<p>One of the most important forms of competition advocacy is the opining of draft pieces of legislation. However, other tools are also available, e.g., the GVH may also submit proposals and make comments on its own motion (‘signal-giving’) and its role is not restricted to mere reactions to others’ initiatives. According to the Competition Act all draft pieces of legislation that might affect the scope of duties of the GVH have to be submitted for opining to the President of the GVH.</p>
Japan	<p>The JFTC periodically holds meetings with domestic government entities.</p> <p>The contribution by JFTC to meetings has significantly influenced domestic government entities.</p>
Ireland	<p>Presentations on cartels and bidrigging as part of civil service and public sector procurement training courses as well as to cross sector fora.</p> <p>Since 2010, two members of the Criminal Enforcement Division have presented on these courses and fora.</p>
Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p>

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	<p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Mexico	<p>COFECE has signed agreement with several Government bodies and entities to promote cartel enforcement and promote cooperation. Some examples are:</p> <ul style="list-style-type: none"> - In 2011 COFECE signed an agreement with the Mexican Social Security Institute (IMSS for its acronym in Spanish). - In 2013 COFECE signed an agreement with the Mexican Tax Administration Service (SAT for its acronym in Spanish) in order to collect the fines imposed by the Commission in its resolutions - In 2014 and in 2019 COFECE signed agreements with the Mexican Central Bank (Banxico for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2014 and 2015 COFECE signed three agreements with the Mexican Consumer Protection Agency (PROFECO for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2015 COFECE signed an agreement that was renewed in 2020 with the Ministry of Foreign Relations (SRE for its acronym in Spanish) to promote assistance and cooperation, particularly regarding international notifications of COFECE's proceedings. - In 2018 COFECE signed an agreement with the Energy Commission (CRE for its acronym in Spanish) to promote mutual assistance and cooperation. - In 2019 COFECE signed a cooperation agreement with the Ministry of Governmental Inspection for information exchange and cooperation, particularly regarding actions to fight corruption. <p>Additionally, COFECE has issued several opinions and drafted documents with specific recommendations for different sectors, addressed to lawmakers, ministry officials, regulatory agencies and other authorities aimed at promoting competition principles in the design of laws and regulations. For example in 2017, COFECE issued an opinion to enhance competition for the Senate regarding the draft of the Law to Regulate Financial Technology (Fintech).</p> <p>These actions have helped to increase public knowledge regarding competition issues, as other government entities help COFECE promote good competition practices.</p>

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Russia	<p>The Russian Federation has developed and implemented antimonopoly compliance of the authorities, which is based on the following principles: openness of the antimonopoly policy; the responsibility of public authorities and local self-government bodies for the implementation of state policy for the development of competition; measurability of the results of state policy for the development of competition.</p> <p>The objectives of antimonopoly compliance are: to ensure that the activities of the federal executive body comply with the requirements of antimonopoly legislation; prevention of violation of the requirements of antimonopoly legislation in the activities of the federal executive body; raising the level of legal culture in government bodies; reducing the number of violations.</p> <p>At the same time, the antimonopoly body conducts trainings and business games with representatives of authorities in order to clarify the provisions of antimonopoly compliance, determine the risk map, etc.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	Training of procurers of goods and services
United States	<p>In November 2019, the Antitrust Division launched the PCSF, an interagency partnership that is leading a national effort to protect taxpayer-funded projects from antitrust violations and related crimes at the federal, state, and local levels. As of December 2020, the PCSF includes 29 agencies and offices at the national level partnering to combat cartels and related crimes in public procurement. Through the PCSF, the Antitrust Division has provided training on detecting and preventing cartels to thousands of criminal investigators, certified fraud examiners, auditors, data scientists, and procurement officials from nearly 500 federal, state, and local government agencies on recognizing collusion risks in the procurement process, including more than five dozen local and state inspectors general. More information about the PCSF can be found here: https://www.justice.gov/procurement-collusion-strike-force</p>

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VII.ADVOCACY WITH PROCUREMENT OFFICIALS

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers close relationships and regular advocacy with procurement officials to be a significant part of its cartel enforcement program.</p> <p>In recent years, the ACCC has engaged with a number of procurement officials to encourage information sharing between agencies and develop its cartel detection toolkit.</p>
Austria	Advocacy on bid rigging with procurement officials of regional governments and communities.
Belgium	Systematic
Brazil	<p>Guide for Fighting Cartels in Procurements – 2019.</p> <p>Measures to boost competition in procurements – 2017.</p>
Canada	The Cartels Directorate frequently provides outreach presentations to public procurement organizations at the federal, provincial and municipal levels of government in order to provide procurement officials with the knowledge necessary to detect, prevent and report bid -rigging to the Bureau. The Bureau’s relationships with procurement authorities have led to the detection of cartels.
Chile	The FNE has been particularly active advocating against bid rigging. In 2011 the FNE published guidelines on competition and public procurement, directed mainly to advise public entities how to design more competitive tenders and how to detect suspicious behavior. After that, the FNE has continually trained public servants to advocate for more competitive tender designs and to help them detect collusive behavior. Also, in 2011, the FNE signed an MOU with the Public Procurement Office gaining real time access to all government purchasing data.
Colombia	<p>Two (2) training sessions were held with FedeDepartamentos and FedeMunicipios for 1 100 companies.</p> <p>FedeMunicipios addressed to 1,100 municipalities and 32 departments with the purpose of the importance of compliance with the free competition regime and the consequences of its violation. the consequences of its violation. This scenario constituted a space in which</p>

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	the free competition regime was discussed, as well as the role of territorial entities in the execution of public the role of territorial entities in the execution of public spending and the importance of due rivalry and competition among bidders in the competition among bidders in public procurement environments.
Cyprus	Seminars and Manual on Bid Rigging Increased awareness of public officials
Czech	Training of contracting authorities dedicated to recognition of anticompetitive agreements. Based on the training of contracting authorities, they are more successful in recognition of collusion behavior, e. g. during bid rigging.
Denmark	The DCCA regularly receives tips from procurement officers in municipalities etc.
EU	DG Competition has reached out to the national public procurement agencies.
Finland	Since 2017 the FCCA has toured major cities in cooperation with the Tax Administration's shadow economy specialists. The aim is to raise awareness of procurement specialists and city management of the risks of bid rigging, of competition law and the FCCA's cartel enforcement.
Germany	In 2015, the Bundeskartellamt published an information brochure on how to detect bid-rigging. This brochure contains a checklist of typical indicators for collusion and is intended to make it easier for awarding authorities to identify indications of possible agreements between companies in the context of the award procedure.
Hong Kong	10 years ago – CO was not enacted. By the end of 2020 – The CC has actively conducted a number seminars on the CO with procurement officials including those from the public sector.
Hungary	The GVH signed a cooperation agreement with the Public Procurement Authority of Hungary. The cooperation agreement provides an excellent framework for the joint work performed by the two parties in order to create the conditions of fair competition on the market.

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Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p> <p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Italy	<p>The publication and promotion of a handbook with a checklist on bid-rigging addressed to procurement officials, the interaction with the AGCM in reviewing draft tender procedures (AGCM's advocacy and consulting role) have helped to increase of the awareness of the importance of cartel enforcement.</p> <p>Recognition and reporting to the AGCM of suspected rigged bids by procurement agencies has increased in the last decade.</p>
Japan	<p>The JFTC holds nationwide training courses on regarding "Act on Elimination and Prevention of Involvement in Bid Rigging, etc. and Punishments for Acts by Employees that Harm Fairness of Bidding, etc." for the procurement staff.</p> <p>The training courses are very helpful for them to learn the law and to improve compliance awareness.</p>
Mexico	<p>COFECE participates and contributes to various working and cooperation groups of international organizations, in order to adopt international principles and best practices, such as the Organization for Economic Co-operation and Development, the Latin American and Caribbean Competition Forum, the International Competition Network, the Asia-Pacific Economic Cooperation Forum, and the United Nations Conference on Trade and Development. In those forums COFECE has taken on an active participation to promote, discuss and advocate antitrust issues. Particularly contributing to publications and giving workshops regarding antitrust enforcement issues in public procurements.</p> <p>Over more, COFECE has promoted cartel enforcement and advocated competition provisions, specially regarding cartels in public procurements by signing an agreement with other government bodies such as the Mexican Social Security Institute (IMSS for its acronym in Spanish), who has increased its cooperation and involvement in competition matters over the years.</p>

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Poland	<p>This factor did influence the perception of cartel enforcement in our jurisdiction.</p> <p>Over the years we conducted trainings for officers responsible for public tenders, the officers of the Internal Security Agency, and the Officers of the Central Anti-Corruption Bureau. It is hard to establish, however, the likely impact of these actions on the perception of cartelisation.</p>
Russia	<p>The Russian Federation has developed and implemented antimonopoly compliance of the authorities, which is based on the following principles: openness of the antimonopoly policy; the responsibility of public authorities and local self-government bodies for the implementation of state policy for the development of competition; measurability of the results of state policy for the development of competition.</p> <p>The objectives of antimonopoly compliance are: to ensure that the activities of the federal executive body comply with the requirements of antimonopoly legislation; prevention of violation of the requirements of antimonopoly legislation in the activities of the federal executive body; raising the level of legal culture in government bodies; reducing the number of violations.</p> <p>At the same time, the antimonopoly body conducts trainings and business games with representatives of authorities in order to clarify the provisions of antimonopoly compliance, determine the risk map, etc.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	<p>Training of procurers of goods and services</p>
Spain	<p>Since 2019 CNMC activated the procedure for bidding disqualification from making contracts with Public Administrations, any sanctioned company by the CNMC for its participation in a cartel can be disqualified from tendering a bid within the Public Administrations, limited up to three years. Up to the end of 2020, the CNMC has declared this ban from contracting with Public Administrations in six cartels cases.</p> <p>Obviously, this is crucial nowadays, as many companies will survive thanks to public contracts. Therefore, with the possibility of any potential disqualification, companies are much less likely to risk bending the rules and beside, this measure could encourage and strengthen the collaboration of</p>

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	companies with the CNMC under the leniency programme, provided this ban on contracting with the Public Administrations does not apply to leniency applicants.
United States	<p>In November 2019, the Antitrust Division launched the PCSF, an interagency partnership that is leading a national effort to protect taxpayer-funded projects from antitrust violations and related crimes at the federal, state, and local levels. As of December 2020, the PCSF includes 29 agencies and offices at the national level partnering to combat cartels and related crimes in public procurement. Through the PCSF, the Antitrust Division has provided training on detecting and preventing cartels to thousands of criminal investigators, certified fraud examiners, auditors, data scientists, and procurement officials from nearly 500 federal, state, and local government agencies on recognizing collusion risks in the procurement process, including more than five dozen local and state inspectors general. More information about the PCSF can be found here: https://www.justice.gov/procurement-collusion-strike-force</p>

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VIII.OUTREACH TO COMPETITION BAR

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC considers that regular outreach to the Competition Bar is of great importance to its cartel enforcement program. With reference to the ACCC’s Immunity Policy, the ACCC encourages regular feedback and involvement in policy reviews from the Bar.</p> <p>The ACCC sees clear benefits in open and transparent communication with the Competition Bar as a means of encouraging early cooperation.</p>
Austria	<p>Vital exchange of views regarding national and European legislative proposals, e.g. with “Studienvereinigung Kartellrecht” and ICN appointed NGAs.</p>
Brazil	<p>CADE holds a strict institutional relationship with OAB (Brazilian Bar Association) and IBRAC (Brazilian Institute for the Study of Competition, Consumption and International Trade), the main association of lawyers on competition matters in Brazil. To have knowledge from this audience is fundamental for policies that rely on reports and discussions, such as the leniency program, and the cease and desist agreements (TCCs).</p>
Chile	<p>Effective enforcement has also affected the perception of the private bar. In 2012, 2014 and 2016 the FNE commissioned Deloitte to conduct surveys among lawyers listed in Chambers & Partners as experts in competition law. Between 2012 and 2016, the percentage of competition lawyers that considered the FNE effective in detecting cartels grew from 9 to 46%. According to the 2016 survey: 92% of them considered the intervention of the FNE in cartel cases as “correct”; 67% judged the analysis of the FNE in cartel cases was “good” or “very good”; and 96% answered the FNE was either effective or fairly effective in detecting cartels.</p>
Cyprus	<p>Organization of competition law conferences and seminars</p> <p>Increased business community awareness</p>
Denmark	<p>The DCCA has a continuous and good cooperation with competition lawyers</p>

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EU	Yes, in the context of many conferences and public consultations on legislative initiatives (see for example the public consultation on the New Competition tool).
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. Since then, the CC has been active in communicating with the local Competition Bar community, through conferences and webinars, as well as through the appointment of ICN NGAs. The CC also organized a training workshop in October 2020 with a target audience of small-medium sized law firms and local law firms which may not have a dedicated competition law practice.</p>
Hungary	The GVH signed a cooperation agreement with the Hungarian Competition Law Association, in the framework of which it has organised joint conferences (Competition Law Forum I-II-III).
Ireland	<p>As part of the review of the CIP, a workshop with competition lawyers and Judges were held in 2014</p> <p>Since then, members of the competition law bar have been activity involved as Irish NGAs on ICN Cartels WG</p>
Israel	The ICA's annual conference, open to the public, is widely attended by the Competition Bar and includes discussion of cartel enforcement.
Mexico	Even though in Mexico it is not mandatory for lawyers to be admitted into a Bar in order to practice, there are some voluntary and prestigious Bar associations with whom COFECE engages with. The Commission participates in competition and compliance events as an effort increase awareness of the Federal Economic Competition Law, the Commission and its powers, possible penalties, and the importance of cooperating with COFECE.
Russia	<p>The FAS Russia regularly works with antimonopoly experts. Within the framework of the working group, the FAS Russia, together with lawyers, develops and accepts clarifications on issues of antimonopoly enforcement, including anti-cartel enforcement.</p> <p>In 2011, changes were made to clarify the requirements for the statement of exemption from liability; the grounds on which siltation cannot be submitted are indicated.</p> <p>Note 5 has been introduced to the Code of Administrative Offenses of the Russian Federation, providing for the possibility of filing an application for the second and third surrender.</p>

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	<p>In 2017, Notes 1 and 5 to Article 14.32 of the Code of Administrative Offenses of the Russian Federation were changed and supplemented. Note 5 is supplemented by a provision on the possibility of a group of persons reporting a violation, which was previously possible only for the first applicant.</p> <p>With the changes introduced, the popularity of the institution of leniency has increased. This is also confirmed by statistics.</p> <p>In 2011, within the framework of leniency program, about 11 applications were filed against 137 in 2019.</p> <p>All of these measures over time have proven their effectiveness in determining the importance of combating cartels (anti-competitive agreements).</p>
South Africa	The Commission, to a significant extent, uses member of the bar to prosecute its cases
United States	The Antitrust Division regularly conducts outreach to the competition bar through training programs, speeches by agency leadership, public roundtable events, and other programs to educate competition bar members about Antitrust Division policies and procedures, compliance and prevention, and the leniency program.

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IX.CHANGE (INCREASE OR DECREASE) IN LENIENCY APPLICANTS/ COMPLAINTS

Competition Authority	Supplemental Excerpts
Austria	Increase of leniency applications Increase of leniency applications. The Austrian Leniency Programme is a successful and vital tool for cartel detection in vertical and horizontal cartel cases.
Belgium	Decrease in last couple of years
Brazil	As from 2014, the Car Wash Operation, that investigates cartels and corrupt practices, had a great impact on the amount of leniency requests. Leniency Agreements signed (updated in 28 sept 2020): 2015 Car Wash Operation 2, others 8 2016 Car Wash Operation 6, others 5 2017 Car Wash Operation 12, others 9 2018 Car Wash Operation 4, others 2 2019 Car Wash Operation 7, others 4 2020 Car Wash Operation 0, others 2
Czech	At the beginning, low awareness of the leniency programs. Recently, there is gradual increase in leniency applications connected with raising awareness of undertakings and their lawyers in relevant field about particular aspects of leniency programs. Reluctance to uncover cartel agreements (psychological barriers connected to notification), fear of retaliation from other competitors.
Denmark	Since the introduction of the possibility of imprisonment and a high level of fines, the DCCA has experienced an increased interest for applying for leniency.
EU	Lately there is a decrease in the total number of leniency applications.

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Germany	The Bundeskartellamt noticed a considerable reduction in the number of immunity applications since 2016/2017. It might well be assumed that there is a correlation between the threat by private damages actions and the willingness of undertakings to apply for immunity in formerly undiscovered cartels.
Hong Kong	<p>10 years ago – CO was not enacted.</p> <p>By the end of 2020 – CO came into full effect on 14 December 2015. As discussed above, CC has brought 7 cases to CT, 6 of which are related to cartel conduct. Among the 5 cases which CT has ruled in CC’s favour, one was the result of a successful leniency application. . In addition, several respondents chose to cooperate with the Commission following the commencement of Tribunal proceedings and to settle the case. For doing so, they received appropriate discounts on the fines together with savings on legal costs. It shows the business and the legal communities that there are significant advantages to cooperate with CC in cartel enforcement.</p>
Mexico	<p>The Commission’s records regarding the number of leniency applications is as follows:</p> <ul style="list-style-type: none"> - In 2012: 26 leniency applications. - In 2013: 4 leniency applications. - In 2014: 6 leniency applications. - In 2015: 18 leniency applications. - In 2016: 26 leniency applications. - In 2017: 16 leniency applications. - In 2018: 11 leniency applications. - In 2019: 9 leniency applications. - In 2020: 6 leniency applications. <p>In this regard, after the 2011 changes to leniency and cartel enforcement provisions (specially considering the new criminal liability) triggered a spike in leniency applications, however shortly after the number of applications was reduced considerably.</p>

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In 2014 with the creation of the new COFECE, the number of leniency applications was steadily increasing. However, since 2017 there has been a steady decrease in leniency applications, as seen globally.

Overall, in the last ten years the leniency program has played an important role in cartel enforcement and its awareness.

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X.CHANGE (INCREASE OR DECREASE) IN NUMBER OF PRIVATE LAW CASES

Competition Authority	Supplemental Excerpts
Austria	Increase of private law cases Increase of private stand-alone actions in competition matters and actions for damages suffered from cartels.
Chile	In recent years, follow-on damage claims have been increasing. In 2019, one of the companies sanctioned in the toilet paper case settled a damages action, paying 150 million dollars to compensate consumers. Two of the 3 retail pharmacy companies found guilty of collusion settled a civil case paying around 2 million dollars in compensations. Many other cases are pending.
Czech	Adoption of new regulation – Act No. 262/2017 Coll., on competition damages. However, this Act hasn't been used in practice yet. Insufficient knowledge about the issue, ignorance of law, contracting authorities have the possibility to seek damages in cases of bid rigging.
EU	The Damages Directive has been implemented by all the Member States. Since the adoption of the Damage Directive, there has been a notable increase in private litigation. For instance, the judgments concerning antitrust damages have increased from approximately 50 judgments in 2014 to 239 in 2019 (coming from 13 Member States). This empirical evidence shows that the Damages Directive enhanced awareness of victims of EU competition law infringements of their right to effectively claim damages for harm suffered as a result of such infringements. Due to late implementation of the Damages Directive in many Member States, there is not sufficient data to provide an in-depth analysis of the effects of the Directive, including on the interplay between private damages and public enforcement of the EU antitrust rules by the Commission and national competition authorities.
Germany	Pursuant with the adoption of the EU Damages Directive, there has been a strong increase in private follow-on damages actions especially since 2017.

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Israel	<p>There has been a noticeable increase in the number of private damages suits (many of them class actions) brought under the Competition Law in the wake of ICA enforcement actions.</p> <p>The increase in the number of private actions is expected to increase deterrence and provide cartel victims with compensation.</p>
Mexico	<p>Another important contribution of the 2013 Constitutional Reform is the creation of Specialized Competition Tribunals, allowing for more technical and precise judicial decisions for competition matters such as damage claims.</p> <p>In this regard, six laboratories were sanctioned in 2010 by COFECE for their participation in a bid rigging cartel case against the Mexican Institute of Social Security. As a result, the Institute filed the first damage claim in the Specialized Competition Court in 2017. Although the case is still pending for decision, it is a great progress for competition law enforcement in Mexico.</p>

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XI.OTHERS

Competition Authority	Supplemental Excerpts
Canada	<p>Court decisions</p> <p>-Although the Act provides for terms of imprisonment of up to 14 years for cartel offences, Canadian courts have not imposed a custodial prison sentence for a conspiracy or bid-rigging offence in over 20 years. Rather, individuals have received conditional sentences (conditions have included house arrest, curfews and community service). There are indications that cartelists face an increasing possibility of imprisonment in Canada.</p> <p>-A November 2018 decision by the Quebec Court of Appeal (<i>R. c. Fedele, 2018 QCCA 1901</i>) sends a strong signal that bid-rigging offences, particularly those targeting public contracts, will be treated very seriously by the court and warrant mandatory prison sentences.</p> <p>-In addition, the <i>Criminal Code</i> was amended in 2012 as a result of the <i>Safe Streets and Communities Act</i> (2012) so that judges could no longer sentence individuals convicted of conspiracy or bid-rigging offences to conditional sentences. Rather, any prison sentence ordered by the court had to be served behind bars.</p> <p>-However, those <i>Criminal Code</i> provisions (s. 742.1(c) and 742.1(e)(ii)) were found to be unconstitutional and struck down in a recent (July 24, 2020) Ontario Court of Appeal decision, <i>R. v. Sharma</i> (<i>R. v. Sharma, 2020 ONCA 478</i>). This decision could have an impact on sentencing for <i>Competition Act</i> cases in Ontario (the defence can ask for conditional sentences in Ontario according to the Court of Appeal). The Crown appealed this decision to the Supreme Court.</p>
Israel	<p>Inclusion of additional offenses in cartel indictments – such as fraud and money-laundering – and seizure of assets for forfeiture purposes.</p> <p>Inclusion of additional offenses, and the seizure and forfeiture of assets, attract public attention and increase deterrence.</p>
Spain	<p>Following the mandate, set up in its 2020 Action Plan, to publish a set of guidelines for the implementation of compliance programs concerning antitrust enforcement, the CNMC adopted in June</p>

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	2020 its Compliance Guidelines, which allows companies to receive a fine reduction, even in cartel cases, if their compliance programmes fulfil the Guidelines' criteria.
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E. ANTI-CARTEL ENFORCEMENT MANUAL

I. SEARCHES/RAIDS/INSPECTIONS

Competition Authority	Supplemental Excerpts
Austria	Guidance document
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Canada	A link to the manual is provided to new investigators for reference.
Chile	The chapter was crucial to put in place our own procedures and protocols for dawn-raids.
Colombia	(i) training for the researchers (ii) support in the work (iii) international best practices and consensus references.
Croatia	Technical information, agency practices
Cyprus	For the organization of the Seminars and Manual on Public Procurement and for staff training for dawn raids
Czech	We were inspired by the Manual when we created our own Methodology for dawn raids and plan of investigation.
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.

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EU	<p>The investigative techniques and procedures used by DG Competition to fight cartels are, to a large extent, similar to the practices described for the various steps of the enforcement in the ICN Antitrust Cartel Enforcement Manual.</p> <p>We mention, therefore, hereunder the newly introduced instruments.</p>
Germany	<p>The Bundeskartellamt constantly contributes to and consults working products of the ICN Cartel Working Group. A link to the manual is provided internally to staff for reference.</p>
Hong Kong	<p>This chapter has been a resource for the CC in preparing for its first searches.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Italy	<p>As training material or benchmarking exercise,.</p>
Japan	<ul style="list-style-type: none"> - The JFTC refers to it when conducting business related to investigation procedures (e.g., responding to internal consultations). - The JFTC refers to and introduces it when holding training course to staff of competition authority in developing countries. - The JFTC referred to it as a training material in the local seminar in Kenya and the JAIF Fund seminar. - The JFTC introduced it to the trainees in the JAIF Fund training course.

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Mexico	The first chapter intitled “Searches, Raids and Inspections” was used as a basis for the Commission to start using its raids and inspections powers in 2011 and 2012. Enabling its first full raid in 2013 with digital evidence gathering.
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual’s chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world’s best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p> <p>Improvement of techniques used by the FAS Russia in practice.</p>
South Africa	The manual has been useful in our planning and execution of dawn raids.
Spain	Development inspections

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II.LENIENCY

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN’s Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Austria	Guidance document
Canada	A link to the manual is provided to new investigators for reference.
Chile	The chapter was heavily consulted to design our first leniency guidelines in 2009, and it was also used in publishing our revised version in 2017.
Colombia	Promotion of leniency programs as an effective tool for both sides
Croatia	Policy
Czech	The “marker” system, Order of application, Quality of evidence provided, Continuous and genuine cooperation
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.
Germany	The Bundeskartellamt constantly contributes to and consults working products of the ICN Cartel Working Group. A link to the manual is provided internally to staff for reference.
Hong Kong	Recommendations and best practices in the Leniency chapter (as well as other ICN materials and discussions on Leniency) have informed the CC in revising and enhancing the Leniency policies which were published in April 2020.
Hungary	The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with

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	<p>other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Ireland	When reviewing the Cartel Immunity Programme. ECN+ legislation will formalise leniency in Ireland.
Italy	For policy purpose
Japan	The JFTC used it as a reference for training materials in the OECD/KPC seminar, presentations in international conferences, and the JICA's training course for developing countries.
Mexico	<p>The second chapter intitled "Drafting and implementing an effective leniency policy" has been used by COFECE to strengthen its Leniency Program.</p> <p>Particularly regarding the importance of leniency as an ongoing investigative tool, taking into account a "marker" system; the implementation of clear confidentiality policy settings; contemplating the possibility of waivers for international cartels; the possibility for subsequent applicants to uncover facts previously unknown in order to obtain lenient treatment, and the criteria that must be taking into account before granting leniency (order of application, quality of evidence and continuous cooperation).</p>
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual's chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on</p>

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	cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary Changes to the Code of Administrative Offenses of the Russian Federation in 2011, 2015, 2017.
South Africa	The Commission's leniency policy benefited lot from the ICN in that the Commission does not have a discretion not to award of leniency once the requirements of the leniency policy have been met.
Spain	Waiver template

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III.DIGITAL EVIDENCE GATHERING

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Austria	Guidance document
Canada	A link to the manual is provided to new investigators for reference.
Chile	The chapter was indispensable during the years we made our first raids, in the early 2010's.
Colombia	Improve the IT tools
Croatia	Technical information
Cyprus	For staff training
Czech	Purchase of IT forensic software, cooperation with IT specialists.
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.
EU	The chapter addresses many, if not all of the relevant topics which still play a role today.
Finland	<p>The Chapter has been used in an internal assessment on the FCCA's digital forensic readiness (2015). Example of fulfilled recommendations: Gradual increase of FIT specialists inside the enforcement unit, improved handling of hash values of evidence files</p>
Germany	The Bundeskartellamt has a number of documents which reflect best practices on ICN level, e.g. digital evidence gathering guidelines for dawn raids.
Hungary	The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with

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	<p>other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Ireland	In setting up the Digital Investigations Unit
Italy	As training material or benchmarking exercise
Japan	The JFTC refers to it when conducting the daily business related to digital forensics.
Mexico	The third chapter “Digital Evidence Gathering” has been used by the Commission to enable digital evidence gathering in raids particularly.
Poland	Our agency gathers much of its know-how through cooperation with other EU authorities within the European Competition Network, however, the chapter on digital evidence gathering proved to be useful as a reference and comparative material, when we encountered issues with our approach to preserving digital evidence. The chapter was used to identify (other) potential weak spots of our approach and in developing a new policy towards digital evidence.
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual’s chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the</p>

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	basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary Creation of Big Digital Cat project.
Spain	Techniques and tools
Turkey	As a general source of information
United States	The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.

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IV.CARTEL CASE INITIATION

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Canada	<p>A link to the manual is provided to new investigators for reference.</p>
Chile	<p>The chapter was very useful when the Anti-cartels Unit was created in 2013. It is still a useful material to train recently hired staff.</p>
Colombia	<p>(i) training for the researchers (ii) support in the work (iii) international best practices and consensus references.</p>
Cyprus	<p>Studied for initiating cases</p>
Czech	<p>Education trainings of employees in the field of IT, work with new software, market and public resources monitoring.</p>
Denmark	<p>In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.</p>
EU	<p>Chapter 4 mentions whistleblowers as a source which may give leads to detect a cartel.</p> <p>DG Competition introduced a whistleblower tool on 16 March 2017.</p>
Germany	<p>The Bundeskartellamt constantly contributes to and consults working products of the ICN Cartel Working Group. A link to the manual is provided internally to staff for reference.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p>

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	<p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Ireland	Drafting investigative plans
Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p> <p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Japan	The JFTC refers to it when conducting initiation business.
Mexico	Among the Guidelines published for informative purposes, designed for outreach, intended to give clarity to COFECE's powers, the Commission published in 2015 a Guideline explaining the initiation of investigations that were mainly based in the chapter "Cartel Case Initiation".
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual's chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p>

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	Delimitation of the concept of “agreement” (Article 11 of the Law on Protection of Competition) and “concerted actions” (Article 11.1 of the Law on Protection of Competition); definition of “cartel” in the Law on Protection of Competition.
United States	The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.

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V.INVESTIGATIVE STRATEGY

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Canada	<p>A link to the manual is provided to new investigators for reference.</p>
Chile	<p>The chapter was very useful when the Anti-cartels Unit was created in 2013. It is still useful material to train staff recently hired.</p>
Colombia	<p>(i) training for the researchers (ii) support in the work (iii) international best practices and consensus references.</p>
Czech	<p>We used Manual before carrying dawn raid to check public resources concerning suspicious undertakings, market, or relevant information on expected operation of cartel agreements</p>
Denmark	<p>In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>

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Japan	The JFTC refers to it when conducting business related to investigation procedures (e.g., responding to internal consultations).
Mexico	The Anti- Cartel Unit has placed a great deal of efforts into organizing and executing successful and efficient investigative strategies. The case handlers undergo investigative strategy trainings based on the “Chapter 5: Investigative Strategy and Interviewing, Section I: Investigative strategy”.
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual’s chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p> <p>Improvement of techniques used by the FAS Russia in practice.</p>
South Africa	The Commission's cartel investigation is unique that there is an incentives for those being investigated to hide the information. Accordingly, the Commission has benefited from guidance on how to go about investigation cases of this nature, including the importance of surprise searches of premises.
United States	The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.

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VI. INTERVIEWING TECHNIQUES

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Austria	Guidance document
Canada	A link to the manual is provided to new investigators for reference.
Chile	The chapter was very useful when the Anti-cartels Unit was created in 2013. It is still useful material to train recently hired staff.
Cyprus	For staff training
Czech	We used Manual during dawn raids when dealing with representatives of undertaking
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.
Finland	Support to officials new to interviewing, or new to interviewing within the context of competition enforcement.
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p>

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	Getting an overview on other jurisdictions experience For staff training purposes
Japan	The JFTC refers to it when conducting business related to investigation procedures (e.g., responding to internal consultations).
Mexico	As part of the efforts of the Anti-Cartel Unit to train and specialize their new recruits, every new investigator that joins the Unit must revise (among other materials) the “Interviewing Techniques” chapter in order to learn the different methods and techniques necessary for an effective use of interviews.
South Africa	The Commission makes use of the ICN investigative techniques book which includes methods for collection of evidence.

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VII.CARTEL CASE RESOLUTION

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Canada	<p>A link to the manual is provided to new investigators for reference.</p>
Chile	<p>The chapter was very useful when the Anti-cartels Unit was created in 2013. It is still useful material to train recently hired staff.</p>
Colombia	<p>Timing</p>
Czech	<p>Used when negotiating about settlement in case of cartel agreements</p>
Denmark	<p>In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>

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South Africa	The resolution of cartel cases is very much dependent on the perceived likelihood of successful prosecution and evidence gathered plays as major role in this regard.
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VIII. CARTEL AWARENESS, OUTREACH AND COMPLIANCE

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Belgium	<p>For outreach suggestions</p>
Canada	<p>A link to the manual is provided to new investigators for reference.</p>
Chile	<p>The chapter was useful to put together our compliance guidelines in 2012.</p>
Cyprus	<p>As a general source of information for seminars</p>
Czech	<p>Notice of possible anticompetitive behavior in the form of competition advocacy, Office's project called Abeceda hospodářské soutěže (Alphabet of Competition) for SMEs, conferences organized by the Office</p>
Denmark	<p>In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.</p>
Germany	<p>The Bundeskartellamt constantly contributes to and consults working products of the ICN Cartel Working Group. A link to the manual is provided internally to staff for reference.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p>

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	<p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Ireland	When drafting CCPC guidance documents
Mexico	The “Chapter on Cartel Awareness, Outreach and Compliance” has also been an important guideline for the Commission’s goals on raising cartel policy and enforcement awareness. Particularly regarding the importance of using publicity, building relationship with other governmental bodies and reaching out to target groups such as business and trade associations, as depicted in the beforementioned sections.
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual’s chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p> <p>In March 2020, the Law on antimonopoly Compliance came into force.</p> <p>Advocacy measures, roundtables with business, cooperation with Association of European business.</p> <p>Preventive measures</p>
South Africa	Outreach to public goods and services procurement units is informed by the usefulness of guidance from ICN regarding the importance of customers in detection of cartel conduct.

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IX.INTERNATIONAL COOPERATION AND INFORMATION SHARING

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Austria	Guidance document
Canada	A link to the manual is provided to new investigators for reference.
Czech	Involvement into ICN, cooperation within ECN
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.
EU	DG Competition deals with supranational cartels, and for a large part, with global cartels. In the latter context, the principles described in the manual prove to be very helpful.
Germany	International cooperation is of utmost importance to the Bundeskartellamt. The Bundeskartellamt constantly contributes to and consults working products of the ICN Cartel Working Group. A link to the manual is provided internally to staff for reference.
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p>

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	<p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Italy	For policy purposes
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual's chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p> <p>Practical cooperation when investigating violation of antimonopoly legislation that have cross-border effect has increased. We cooperate both in bilateral and multilateral format and on the international level: UNCTAD, OECD, ICN.</p>
South Africa	Inter-agency information sharing has assisted in early termination of cases especially when waivers of confidential information have been obtained.
Spain	Information sharing
Turkey	Cooperation with ICN, ECN
United States	The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.

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X.RELATIONSHIP BETWEEN COMPETITION AGENCIES AND PUBLIC PROCUREMENT BODIES

Competition Authority	Supplemental Excerpts
Australia	<p>The ACCC has used a number of chapters in the ICN's Anti-Cartel Enforcement Manual (Manual) to strength and support the development of its cartel enforcement program.</p> <p>The Manual is also available internally to staff as a resource in their day to day duties and we trust will be a continuing resource and point of reference as chapters are updated or added to the manual.</p>
Canada	<p>A link to the manual is provided to new investigators for reference.</p>
Chile	<p>It was useful to write our guidelines on competition and public procurement, and in signing an MOU with the Public Procurement Office, both in 2011.</p>
Cyprus	<p>As a general source of information</p>
Czech	<p>Employees of the contracting authorities are trained to recognize bid rigging (small number of competitors, rotation, one company wins most of the contracts in relevant field, etc.)</p>
Denmark	<p>In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.</p>
Dominican Republic	<p>In the preparation of a memorandum of understanding that will be signed between both authorities.</p>
EU	<p>Contacts have been made with a number of national procurement agencies to improve best practices as regards the detection of suspicious conducts.</p>
Hong Kong	<p>This chapter and related ICN materials have informed the CC in considering how to enhance its relationship with public procurement bodies.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p>

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	<p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p> <p>Getting an overview on other jurisdictions experience</p> <p>For staff training purposes</p>
Israel	<p>The ICA has begun its Red Lights program to educate procurement officials about the competition laws.</p> <p>At the ICA's urging, government agencies now require bidders to submit affidavits of non-coordination with competitors.</p> <p>Greater cooperation with procurement officials, better evidence in cartel cases. Procurement officials often consult with the ICA in real time, when suspicions of bid-rigging arise.</p>
Italy	<p>For policy purposes</p>
South Africa	<p>Outreach to public goods and services procurement units is informed by the usefulness of guidance from ICN regarding the importance of customers in detection of cartel conduct.</p>
United States	<p>The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.</p>

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XI.DEVELOPMENT OF PRIVATE ENFORCEMENT OF COMPETITION LAW

Competition Authority	Supplemental Excerpts
Canada	A link to the manual is provided to new investigators for reference.
Czech	Addressing contracting authorities with the information, that the Office proved the cartel agreement within the selection procedure of relevant tender. In these situations, contracting authority can seek damages.
Denmark	In the case handling, the DCCA is as an overall principle aware of the manual and in general follows the procedures and principles laid down in the manual.
EU	<p>Already ahead of this chapter a directive was adopted requesting Member States to foresee rules on private damages.</p> <p>Adoption of Directive (EU) No 104/2014 of 26 November 2014 of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union [2014] OJ L349/1.</p>
Hungary	<p>The GVH is continuously using the chapters of the ICN Anti-cartel Enforcement Manual at the implementation of its cartel enforcement activities as a practical handbook, of course together with other information sources. And on the other hand, the GVH is not only user, but was quite active participant in the producing and updating the different chapters as a member of the editing team.</p> <p>Examples how the Manual has been used:</p> <p>As a background information</p> <p>Getting an insight into international best practice</p>

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	Getting an overview on other jurisdictions experience For staff training purposes
Russia	<p>The FAS Russia is studying international practice in identifying and proving cartels. Particular attention is paid to the instructions and guidelines of the ICN, which combine the best and current practice of competition authorities around the world on issues of exemption from liability, case consideration, nonscheduled dawn raids, etc.</p> <p>The FAS Russia pays special attention to the ICN Anticartel Manual’s chapter devoted to the field of public procurement, prepared on the basis of an analysis of the world's best practices in combating cartels at auctions. Given the fact that bid rigging today accounts for about 80% of all decisions on cartels made by the FAS Russia, this guide is most relevant. At the same time, we note that on the basis of the presented manual, the FAS Russia has prepared its own manual on anti-cartel regulation in the field of public procurement with a scientific and practical commentary</p> <p>In 2016, the FAS Russia approved Clarifications No. 6 of the Presidium of the FAS Russia “Proof and calculation of losses/damages caused by violation of antimonopoly legislation”.</p>
United States	<p>The Antitrust Division regularly contributes to and consults Cartel Working Group work product to better understand the enforcement efforts of our international colleagues, which in turn results in more efficient and effective cooperation.</p>

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

APPENDIX

F. TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Question #1 (Changes in Competition Laws)

Previous Questionnaire:

What changes/developments in your competition law have impacted your cartel enforcement program over the last 10 years?

Proposed Questionnaire:

What changes/developments in your competition law have taken place in your cartel enforcement program over the past 10 years? How have these changes/developments impacted your enforcement (improved, no effect, adverse effect)?

	Have there been any changes/developments in your cartel enforcement program over the past 10 years?	What were these changes and how have these changes/developments impacted your enforcement?
Increased Penalties:		
Investigative Powers:		
Leniency Provisions:		
Institutional/Procedural Provisions:		

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

New Violation Provisions:		
Increased Statue of Limitations:		
Obstruction Provisions:		
Settlement Provisions:		
Remedial Provisions:		
Adoption of <i>per se</i> Standard:		
International Cooperation:		
Relationship between Other Government Bodies:		
Private Enforcement of Competition Law:		
Digital Evidence Gathering:		
Others - Please identify:		

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Question #2 (Creation of New Investigative Powers)

Previous Questionnaire:

What changes/developments have taken place in your competition law over the last 10 years, with respect to the creation of new investigative powers that have advanced your cartel enforcement efforts?

Proposed Questionnaire:

What changes/developments have taken place in your competition law over the last 10 years, with respect to the creation of new investigative powers that have advanced your cartel enforcement efforts? In which ways and to what extent have these empowered your anti-cartel enforcement program?

	Have there been any changes/developments in the creation of new investigative powers that have advanced your cartel enforcement efforts over the past 10 years?	In which ways and to what extent have these empowered your anti-cartel enforcement program?
Adoption of a Leniency Program:		
Expanded Search Powers:		
Changes in Leniency Program:		
New Powers to Interrogate or Obtain Statements from Witnesses:		
Wiretap Authority:		

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TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Use of New Techniques and Technologies:		
Proactive Cartel Detection Tools:		
Incorporation of Big Data into Competition Law Enforcement		
Measures Taken Against Potential Competition Risks of Use of Algorithms by Undertakings		
Others - Please identify:		

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Question #3 (Institutional Changes in Anti-Cartel Enforcement)

Previous Questionnaire:

What major institutional changes/developments implemented in your agency have impacted your cartel enforcement program over the last 10 years?

Proposed Questionnaire:

What major institutional changes/developments have been implemented in your agency over the last 10 years? How have these changes/development impacted your cartel enforcement program?

	Have there been any major institutional changes/developments implemented in your agency over the last 10 years?	What were these changes/developments and how have they impacted your cartel enforcement program?
Prioritization of Cartel Enforcement		
Increased Staffing		
Increased Staff Training		
Increased Staff Development		
Dedicated Cartel Specialists		
Organizational Restructuring		
Increased Outreach		
Targeted Recruiting		
Recruiting/Increased Staffing of IT Specialists		

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TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Others_Please Identify		
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APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Question #4 (Perceived Importance of Cartel Enforcement)

Previous Questionnaire:

What factors have most significantly influenced the perception of the public, media, business community, defense bar or other government agencies in your jurisdiction?

Proposed Questionnaire:

What factors have most significantly influenced the perception of cartel enforcement by the public, media, business community, defense bar or other government agencies in your jurisdiction? In which ways and to what extent have the influence of these factors occurred?

	What factors have most significantly influenced the perception of cartel enforcement by the public, media, business community, defense bar or other government agencies in your jurisdiction?	In which ways and to what extent have the influence of these factors occurred?
Effective Enforcement Actions		
Media Coverage		
Increased/decreased Business Awareness		
Public Outreach		
Increase in Penalties		

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Advocacy with Domestic Government Entities		
Advocacy with Procurement Officials		
Outreach to Competition Bar		
Change (increase or decrease) in Leniency Applicants/ Complaint		
Change (increase or decrease) in Number of Private Law Cases		
Others _ Please identify		

APPENDIX

TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Question #5 (Anti-Cartel Enforcement Manual)

Previous Questionnaire:

Which chapters of the Anti-Cartel Enforcement Manual have you used to advance your cartel enforcement? Could you give examples on the specifications of the cases and how the Manual have been used on these cases?

Proposed Questionnaire:

Which chapters of the [ICN's Anti-Cartel Enforcement Manual](#) have you used to advance your cartel enforcement? Could you give examples of how the Manual has been used (e.g., cases, policy, agency practices)?

	Which chapters of the ICN's Anti-Cartel Enforcement Manual have you used to advance your cartel enforcement?	Could you give examples of how the Manual has been used?
Searches/ Raids/ Inspections		
Leniency		
Digital Evidence Gathering		
Cartel Case Initiation		
Investigative Strategy		
Interviewing Techniques		
Cartel Case Resolution		
Cartel Awareness, Outreach and Compliance		
International Cooperation and Information Sharing		

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TRENDS AND DEVELOPMENTS IN CARTEL ENFORCEMENT SURVEY 2010-2020

Relationship between Competition Agencies and Public Procurement Bodies		
Development of Private Enforcement of Competition Law		