Leniency – Dutch experience

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Overview

- Historical overview
- Some lessons
- Developments to watch
1) Historical overview

- Dutch competition authority (NMa) established 1998
- First leniency programme 2002
- NMa merged into ACM 2013
1) Historical overview

Impression of output, main cartel fines

• 1998-2003, mobile telecoms (88 mio), shrimps (13 mio)
• 2004-2009: construction (380 mio)
• 2010 to date: bell-peppers (14 mio), mills (82 mio), textile cleaning (18 mio), real estate traders (12 mio), taxi services (9 mio).
1) Historical overview

Impression of leniency (from 2002 onwards)

• Around 700 applications to date
• Around 400 in 2004 (mainly construction)
• Around 40% of cartel cases started after Type 1A immunity
• Leniency applicants in >50% of cartel cases
• Since 2007 individuals liable (max 450,000 euro) and included in leniency programme
2) Some lessons

- Leniency works, and works well
- General approach with applicants: strict but reasonable, eye for practical issues
- August 2014, further alignment of the Dutch programme to MLP (even ‘beyond MLP’)
- Value of statements, interviews and ‘leading questions’ issue
3) Developments to watch

- ACM’s co-operation with ECN partners continues to intensify
- New: ‘international applications’ by individuals
- *Ex officio* detection (60%), developments
  - Anonymous informants, electronic communications?
  - Information exchange with other Dutch agencies outside competition law
  - Economic and other screens
Questions?

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