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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Working Party No. 3 on Co-operation and Enforcement

**Roundtable on challenges and co-ordination of leniency programmes - Note by the
United States**

United States

1. Introduction

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cartel members, and then revised and honed its leniency policy to exponentially increase

the world, leniency policies have transformed the way come way ~~DATE~~ Wn2(w)5 806havay[(IC BTp

2010, there was a nearly twenty-fold increase in the leniency application rate from the

corporations to predict with much certainty whether they would receive leniency if they

in other jurisdictions that may disincentivize leniency applications. Examples of lack of transparency or disqualifiers that may disincentivize leniency applications include:

21. Competition enforcers should not take for granted that leniency applicants and co-operators will continue to come forward when faced with the prospect of investigations by enforcers around the world. Competition enforcers should work together to ensure that investigations are conducted more efficiently and cost-effectively and that the benefits of cooperation and compliance continue to provide the incentives that corporations need to come forward, self-report, cooperate, and change the culture that allowed a cartel to form.

6. Conclusion

22. Leniency policies have proliferated around the world and have succeeded in cracking cartels and ending harm to consumers. No other investigative tool has done more to revolutionize cartel enforcement. As leniency policies have proliferated, jurisdictions around the world have also strengthened sanctions and added investigative tools to support effective leniency policies. Today, the principles of an effective leniency policy are practiced around the world in many different legal contexts. Other jurisdictions face new challenges, and are adjusting in innovative ways to meet those challenges, while remaining grounded in core consensus leniency principles. As competition enforcers continue to share their learning in pursuit of the ultimate goal of more effective cartel enforcement, leniency programs will continue to play an integral role in the detection and dismantling of cartels.