



# **Promoting compliance with EU competition rules**

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**ICC Roundtable**

**22 April 2013**

# Compliance matters a great deal

- **How measure success of competition policy?**
  - Not the volume of fines for infringements, ...
  - but well-functioning markets
- **Compliance → challenging & costly:**
  - Increased complexity of rules
  - Increased number of competition regimes
- **Welcome ICC initiative**

# Why invest in compliance?

- **Prime responsibility lies with subjects of law**
- **Avoid costs of non-compliance:**
  - Avoiding significant fines on companies (individuals)
  - Illegal agreements are void and may attract damages
  - Negative publicity for law breakers
- **Benefits:**
  - Moral satisfaction of doing business in ethical manner
  - Positive image + boost to morale of employees
  - Apply for immunity or leniency
  - Awareness of infringements by competitors

# Effective compliance programmes

- **Company strategy:**
  - Identify risks + individual exposure
  - Dissemination → Internal guidance
  - Visible commitment of senior management
- **Staff involvement:**
  - Acknowledgement of receipt by staff
  - Positive incentives + penalties
  - Internal reporting mechanisms
  - Contact points for advice & training
- **Monitoring + Updating**
- **Strategy for dealing with failures**

# What can competition authorities do...

**... apart from**

- **providing general guidance on compliance programmes and**
- **supporting initiatives of the business community (e.g. ICC)?**

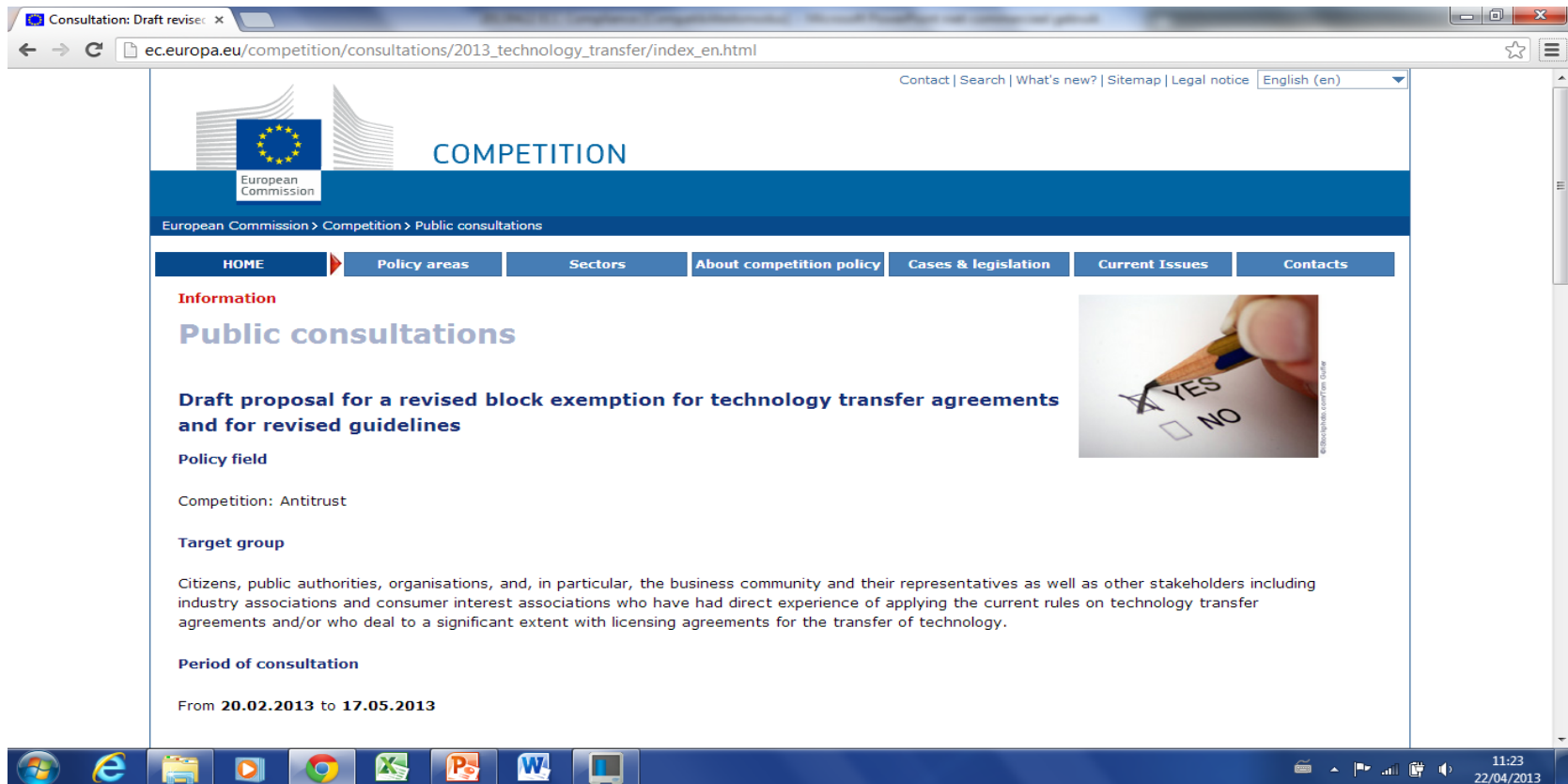


# **1. Establish clear & consistent rules**

- **Establish a clear framework at national level...**
- **But also ensure consistency & coherence at multilateral level**

# **2. Communicate with stakeholders and the wider public**

# a) Stakeholder consultation on new rules



The screenshot shows a web browser window with the URL [ec.europa.eu/competition/consultations/2013\\_technology\\_transfer/index\\_en.html](http://ec.europa.eu/competition/consultations/2013_technology_transfer/index_en.html). The page features the European Commission logo and the word "COMPETITION" in large blue letters. Below this, a navigation bar includes links for HOME, Policy areas, Sectors, About competition policy, Cases & legislation, Current Issues, and Contacts. The main content area is titled "Public consultations" and highlights a "Draft proposal for a revised block exemption for technology transfer agreements and for revised guidelines". It specifies the "Policy field" as "Competition: Antitrust" and the "Target group" as "Citizens, public authorities, organisations, and, in particular, the business community and their representatives as well as other stakeholders including industry associations and consumer interest associations who have had direct experience of applying the current rules on technology transfer agreements and/or who deal to a significant extent with licensing agreements for the transfer of technology." The "Period of consultation" is listed as "From 20.02.2013 to 17.05.2013". A small image of a hand checking a box labeled "YES" is also visible. The Windows taskbar at the bottom shows the time as 11:23 on 22/04/2013.

Consultation: Draft reviser: x

ec.europa.eu/competition/consultations/2013\_technology\_transfer/index\_en.html

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COMPETITION

European Commission > Competition > Public consultations

HOME | Policy areas | Sectors | About competition policy | Cases & legislation | Current Issues | Contacts

**Information**

## Public consultations

### Draft proposal for a revised block exemption for technology transfer agreements and for revised guidelines

**Policy field**

Competition: Antitrust

**Target group**

Citizens, public authorities, organisations, and, in particular, the business community and their representatives as well as other stakeholders including industry associations and consumer interest associations who have had direct experience of applying the current rules on technology transfer agreements and/or who deal to a significant extent with licensing agreements for the transfer of technology.

**Period of consultation**

From **20.02.2013** to **17.05.2013**

11:23  
22/04/2013

## b) Publish rules & decisions



The screenshot shows the European Commission's Competition website. The browser address bar displays [ec.europa.eu/competition/index\\_en.html](http://ec.europa.eu/competition/index_en.html). The page features a blue header with the European Commission logo and the word "COMPETITION". Below the header, a navigation bar lists "POLICY AREAS" and "CURRENT ISSUES". The "CURRENT ISSUES" section includes links to "State aid modernisation", "State aid and climate change", "Compliance", "Antitrust best practices", "Actions for damages", "Public services and competition", "Actions to overcome the crisis", and "Car prices report". The "POLICY AREAS" section lists "ANTITRUST", "CARTELS", "MERGERS", "LIBERALISATION", "STATE AID", and "INTERNATIONAL". The "ANTITRUST" section is expanded, showing "Legislation & reference" with links to "Legislation in force", "Case law", "Public consultations and Market tests", "Calls for tenders and proposals", "Publications", "Speeches", and "Treaty articles 101, 102, 106, 107". The "MERGERS" section is expanded, showing "Cases" with "Latest updates" and "Search" options. The "News" section is expanded, showing "News and events" with links to "Antitrust: Commission market tests commitments proposed by Penguin for the sale of e-books", "State aid: Overview of decisions and on-going in-depth investigations in the context of the financial crisis", "State aid modernisation: Issues paper on evaluation in the field of State aid", "Antitrust: Commission accepts commitments from CEZ concerning the Czech electricity market and makes them legally binding", and "Mergers: Commission consults on proposal for simplifying procedures under the EU Merger Regulation".

European Commission - C X  
ec.europa.eu/competition/index\_en.html

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COMPETITION

European Commission > Competition

**POLICY AREAS**

**CURRENT ISSUES**

- State aid modernisation
- State aid and climate change
- Compliance
- Antitrust best practices
- Actions for damages
- Public services and competition
- Actions to overcome the crisis
- Car prices report

**SECTORS**

- Agriculture and food
- Consumer goods
- Energy and environment

**ANTITRUST**

**Legislation & reference**

- » Legislation in force  
[antitrust](#) / [cartels](#) / [mergers](#) / [State aid](#)
- » Case law
- » Public consultations and Market tests
- » Calls for tenders and proposals
- » Publications
- » Speeches
- » Treaty articles [101](#), [102](#), [106](#), [107](#)

**ABOUT COMPETITION POLICY**

- » Vice President Joaquín Almunia's

**MERGERS**

**Cases**

**Latest updates:**

[antitrust](#) / [cartels](#) / [mergers](#) / [State aid](#)

**Search:**

☒ All ☐ Antitrust / Cartels ☐ Merger ☐ State Aid

**by case number**

**by organisation name**

**Advanced search**

**CONTACTS**

- » Main contacts

**News**

**News and events**

- » [Antitrust: Commission market tests commitments proposed by Penguin for the sale of e-books](#), 19 April
- » [State aid: Overview of decisions and on-going in-depth investigations in the context of the financial crisis](#), 16 April
- » [State aid modernisation: Issues paper on evaluation in the field of State aid](#), 12 April
- » [Antitrust: Commission accepts commitments from CEZ concerning the Czech electricity market and makes them legally binding](#), 10 April
- » [Mergers: Commission consults on proposal for simplifying procedures under the EU Merger Regulation](#), 27





## c) Publicize enforcement actions

A screenshot of a web browser displaying the "Europa Press releases RAPID" page. The browser's address bar shows the URL "europa.eu/rapid/press-release\_IP-13-314\_en.htm". The page has a blue header with the "Europa" logo and the title "Press releases RAPID". Below the header, there are navigation links: "Login", "Register", "Documentation", and "About". A search bar is also present. The main content area features the headline "Antitrust: Commission opens investigation into MasterCard inter-bank fees" in orange. Below the headline, it provides the "Reference: IP/13/314" and "Event Date: 09/04/2013". There are links to "Export pdf" and "word", and a note about other available languages: "FR DE". The page is signed off with the European Commission logo, the words "EUROPEAN COMMISSION", "PRESS RELEASE", and the date "Brussels, 9 April 2013". The headline is repeated at the bottom of the page. The Windows taskbar at the bottom shows various application icons and the system clock indicating 11:21 on 22/04/2013.



# the guardian

**Libor Manipulation  
Perpetrated By Cartels,  
EC Suspects**

**The  
Economist**

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