Promoting leniency programme
Polish experiences

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About leniency programme in Poland

- Polish leniency programme was introduced in 2004
- Programme covers horizontal and vertical agreements
- UOKiK has received 26 applications from entrepreneurs so far
About leniency programme in Poland (2)

Full waiver:

- the undertaking must be first to provide the NCA with information concerning the existence of an agreement that is sufficient to enable the NCA to institute antimonopoly proceedings or, if the antimonopoly proceedings already have been initiated, with evidence enabling the NCA to issue a decision finding an infringement
- the applicant must confirm that it was not an initiator of the illegal agreement and has not induced others to participate in the agreement
- the undertaking must fully cooperate with the NCA in course of proceedings by providing NCA with evidence
- the applicant must terminate its participation in the agreement not later than the time when leniency application is filed
About leniency programme in Poland (3)

Reduction of fine:

• the undertaking must present upon its own initiative proof which to an essential extent contributes to issuing a decision finding an infringement

• the applicant must terminate its participation in the agreement not later than the time when the leniency application is filed

According to Polish Competition Act only applicant who wishes to obtain a full waiver from a fine is obliged to cooperate with the NCA
About leniency programme in Poland (4)

New solutions introduced in 2009:

1. Summary applications
2. Marker system
3. Informal guidance on the application of the leniency programme.
Promoting leniency

In 2009 the Office launched a large-scale campaign promoting leniency.

Why we launched the campaign?

- Low awareness among Polish enterprises about competition restricting agreements and the consequences of such actions.
- New leniency rules: Regulation of the Council of Ministers of 26 January 2009 concerning the mode of proceeding in cases of enterprises application to the President for immunity or reduction of fines; Leniency Guidelines.
- Inspirations taken from foreign colleagues.
Promoting leniency

- Promotional campaign consisted of:
  - short film broadcast on TV, including in particular channels dealing with business issues
  - comics (bookmarks)
  - special helpline
  - practical guide for entrepreneurs on new regulation
  - leniency file - set of documents about leniency programme sent directly to 500 biggest enterprises in Poland
Spot promoting leniency programme

Leniency Program łagodzenia kar
STASZEK, NIE POWIĘKSZ CHŁOPAKÓM TEGO WERBOWANIEJ GŁOSU!

PEWNA GRUPA LUDZI SAMA DOBROWOLNIE PRZY ZNAJE SIĘ DO ZMOWY CENOWEJ I....

HAHAHA

LEPIEJ POŚUCHAJCIE RADY STASZKA, BO JAK SIĘ WYDA TO NIE BĘDZIE ŚMIESZNIE.
Before submitting the leniency application, the enterprise may contact the Office staff (tel.: +48 22 55 60 555) to obtain information on the leniency programme.

In particular, the enterprise may present “hypothetical” circumstances of the case (describe anonymously the agreement which it is/has been party to) for preliminary assessment of its eligibility for the leniency programme.
Practical guides for enterprises

- Publications
- Guidelines
Leniency file

Leniency file a set of documents about leniency programme.

In 2009 the UOKiK sent it direct to 500 biggest entrepreneurs in Poland and 355 companies operating in local markets.

The "leniency file" was the first initiative under the campaign promoting the leniency program.
Statistics on leniency programme

Number of applications reported to the office in following years:

<table>
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<tr>
<th>Year</th>
<th>2004</th>
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Results of the campaign

The campaign on the leniency programme contributed to:

1) greater interest of the companies in the programme, thus the number of leniency applications increased (this year-6 so far)

2) increase of the awareness of entrepreneurs about:
   • competition-restricting practices,
   • legal consequences of such activities,
   • possibility of using the benefits of the programme

3) detecting evidence of other illegal agreements in the course of the proceedings on the examination of the leniency application.
THANK YOU FOR YOUR ATTENTION!

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