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Balkan Legal Forum

# Cartels and Compliance

Sofia, 7 November 2008  
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## Cartels

- Legislative developments (2008: SLO, BUL, HUN, SRB)
- Enforcement trends

## Compliance

- How to ensure effective compliance?

# Cartels - Legislative Developments

## Alignments to EC standards

- Adoption of BERs (planned in SRB)
- Notices (e.g. *de minimis*) (BGL, SLO, SRB)
- Sanctions (10% max fine) (BGL, SLO)
- Abolishing the notification system (BGL, ROM); not SRB and UKR
- Power to impose fines (AUT, CRO)

## Personal sanctions

- fines, criminal sanctions, disqualification (HUN?)

# Cartels – Enforcement Trends

- Intensified public enforcement
  - More dawn raids (BLG, ROM, SLO)
  - More investigations and sector inquiries (oil, gas, insurance, banking, food retail, electricity)
  - More infringement decisions / higher fines
  - „Prior accession cases“ (HUN, CZ)
- (Threat of) private enforcement
  - HUN: assumption of 10% enrichment (HUN)
  - SLO: Civil Courts are bound to CPO's decisions

# How to Ensure Compliance?

Possible elements of a compliance programme

- Legal audit
- Industry specific guidelines
- Compliance seminars
- Interactive learn- and testing-tool
- Notification/Approval system for competitor contacts
- Preparation for a dawn raid (including mock raids)

Thank you!