

[DOI: 10.20472/IAC.2018.041.023](https://doi.org/10.20472/IAC.2018.041.023)

**ALEKSANDER MAZIARZ**

Kozminski University, Poland

## **OPTIMAL LENIENCY PROGRAMS FOR CARTEL ABUSES - AN US AND EUROPEAN PERSPECTIVE**

### **Abstract:**

Leniency is a program which gives immunity from fines or reduction of fines in cartel cases for those companies which decide to cooperate with antitrust agencies. The leniency program significantly reduces the difficulties, time and administrative costs of evidence of cartel violations, as the antitrust bodies receive assistance through leniency applications and further cooperation of cartel participants during the administrative procedure. Thanks to this, the antitrust bodies can detect and punish more cartels focusing on other abuses.

Recently leniency programs are being misused because the same companies apply for leniency many times without being punished. Therefore, the program needs changes. The paper analyses US and European leniency programs and tries to find optimal solutions for elimination of misuse of leniency.

### **Keywords:**

cartel, restrictive agreement, leniency, immunity from fines

**JEL Classification:** K21, K22