



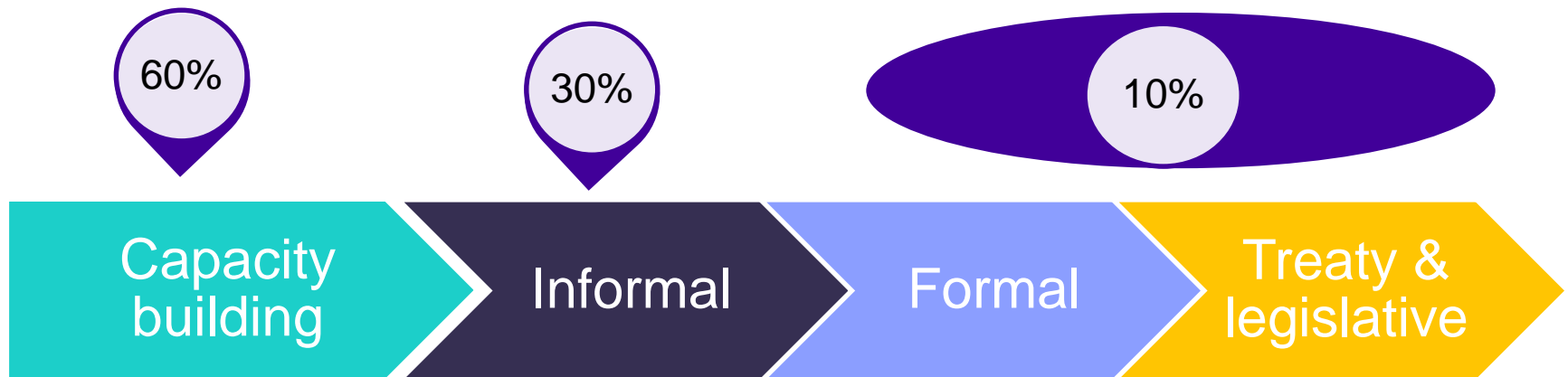
Leniency cooperation: *Good practices and lessons learned*

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Cooperation with competition agencies



Key tools to leniency cooperation

1. Regular interaction/meetings

- **Bilateral:** ACCC and NZCC
- **Case specific:** Agencies with common leniency applicants



2. Waivers

- Element of cooperation
- Enable sharing of confidential information
- More meaningful cooperation
- ICN Template:
<http://www.internationalcompetitionnetwork.org/working-groups/current/cartel.aspx>

What does successful informal cooperation achieve?

Multi-jurisdictional leniency applicant

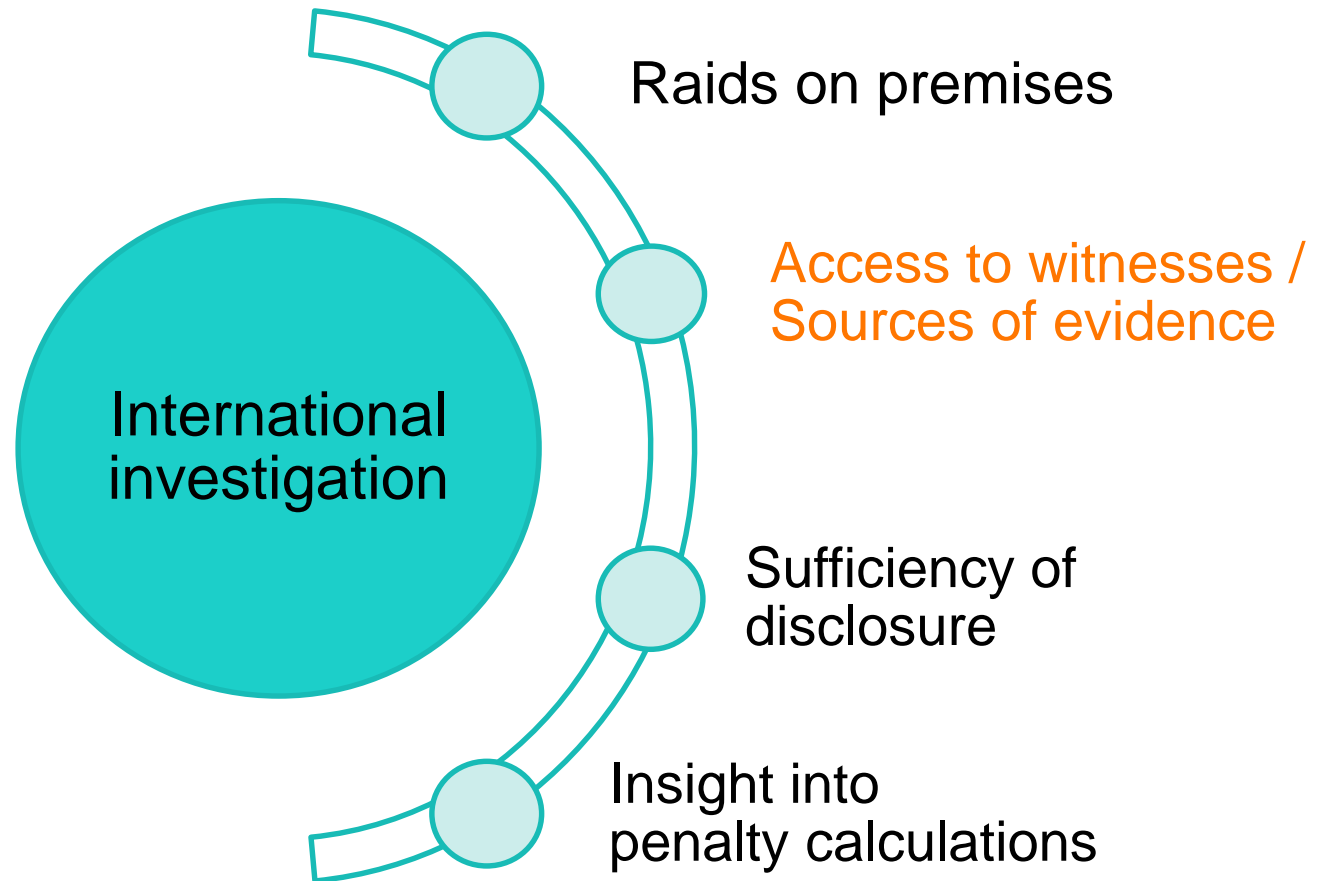
Helps identify local cartel concern

Helps constructively analyse case theory

Helps coordinate international investigations

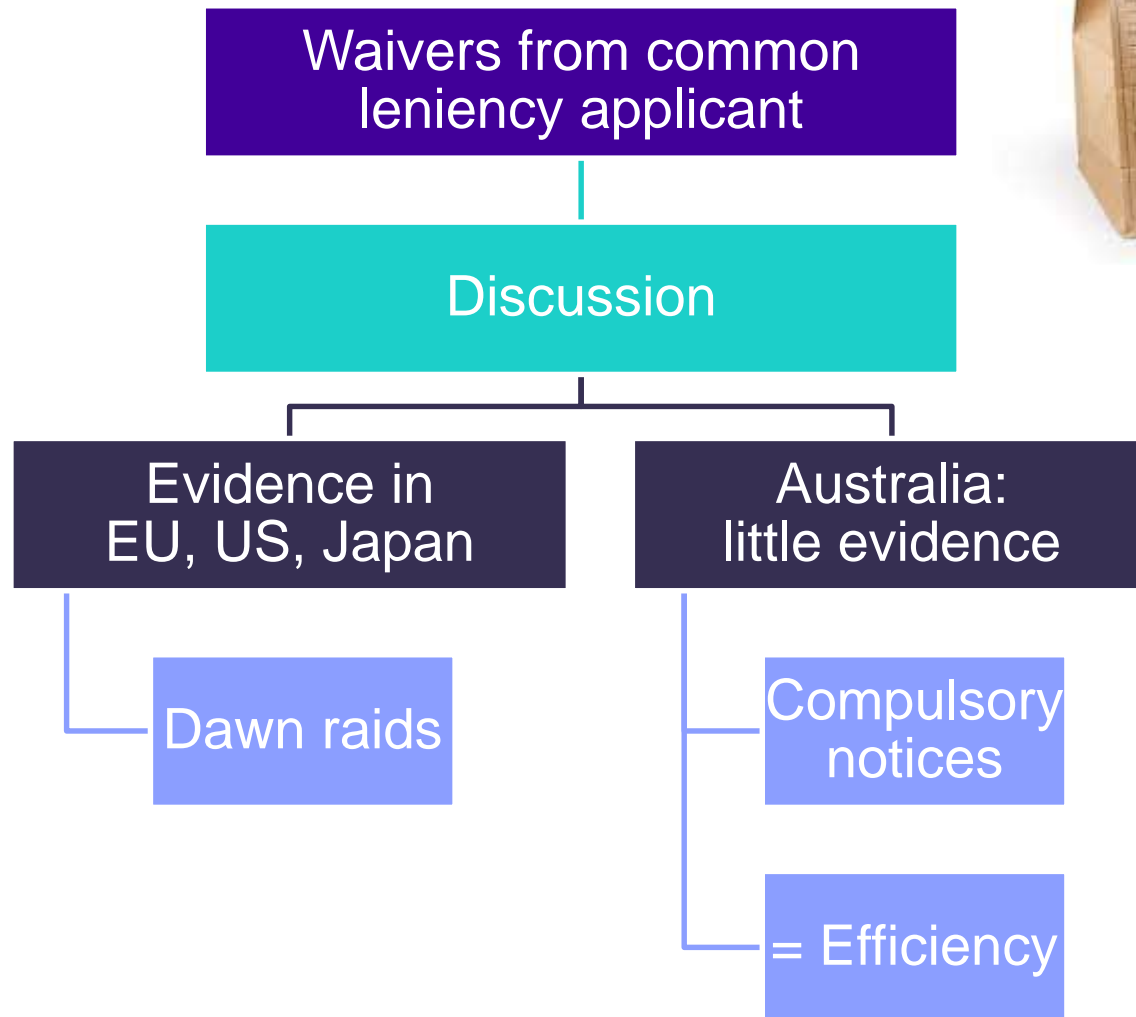
Efficiency:
For agencies & applicants

Cooperation in International investigations



Coordinating raids and other powers

Example: Wire harnesses case



Cooperation in complex cases

Example: Financial trading case



Multi-jurisdictional immunity applicant

Complex international conduct

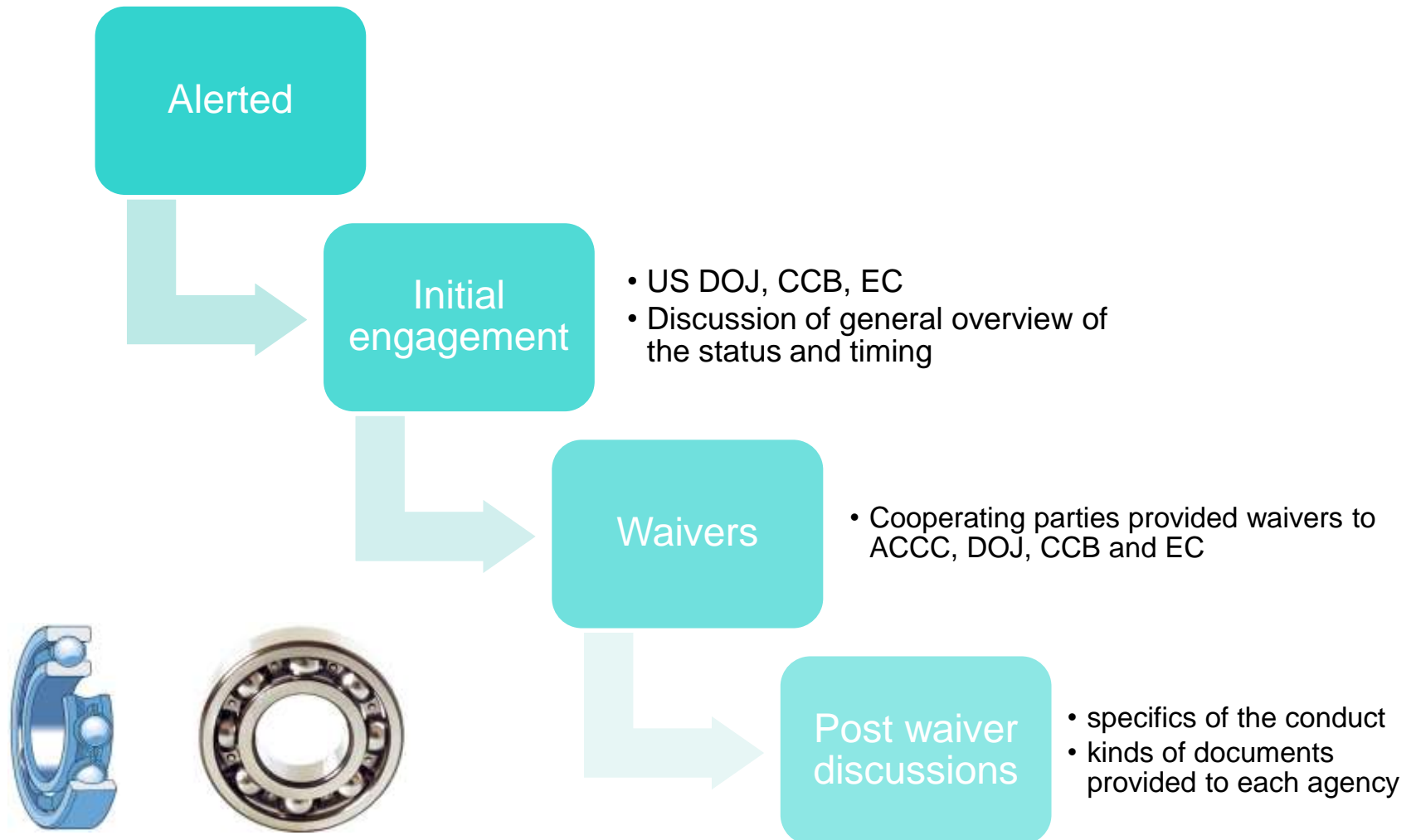
Other investigations at more advanced stages

Common challenges

Efficiency

Efficiencies of post waiver discussions

Example: Australian bearing cases



Coordination of procedural steps

Example: Aerospace/aviation industry

Common leniency agencies:

- Consistent marker wording
- Regular teleconferences
- Shared technical information



Regional level: ACCC & NZCC

- Coordinated proffers
- Coordinated witness interviews

= Efficiency for agencies and applicants

Some lessons learned?

- Effective cooperation is driven by **trust**, **pragmatism** and **flexibility** and **regular contact**
- The most effective relationships are underpinned by legal arrangements, but not driven by them.
- We use “informal” cooperation mechanisms whenever possible
- It is important to understand similarities and differences, as well as best practice
- We strive to improve, and continuously build relationships
- We each gain from cooperation **bilaterally**, **regionally** and **globally**