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Leniency incentives and disincentives: A Court's view

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Some general remarks

Leniency, along with settlement procedures, reduced significantly the number of appeals before the EU Courts

Leniency changed dramatically the nature of appeals before the EU Courts

One unaddressed question

Does the power of the Courts to review leniency decisions adopted by NCAs provide for an incentive or a disincentive to apply for leniency?

Some general findings

The existence of a right to an in-depth judiciary review over leniency issues may be considered as providing an **additional incentive to apply for leniency**

1 -The EU courts played an **essential role in shaping the European Commission leniency** program (legal basis, value of oral evidence, access to documents, amounts of reduction etc)

2-The right of the EU General Court not only to control the legality of the fine but also to review its appropriateness **increases legal security and fairness in the best interest of both NCAs and applicants**

** All views expressed are strictly personal*