



# Work Sharing in the ECN

3a Conferencia Luso-Espanhola de Direito da Concorrência  
Lisboa, 28 Novembro 2013

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All views expressed are personal and may not be regarded as stating an official position of the European Commission.

# Aspects of the ECN

Effective and coherent  
application

Effective  
authorities

Convergence of  
procedures

Cooperation



## Mechanisms for convergence

- Early information on investigations conducted;
- Requests for information
- Consultation of COMM on envisaged decisions
- Possibility for Commission to take case from NCA



# Multiple forms of cooperation on cases

Cooperation between Commission and the NCAs

Increasing cooperation between NCAs on parallel cases (flour cartel, amazon, online booking)



# Why the need to cooperate?

On case allocation:

- Action of one NCA may prevent action by other NCAs
- Actions that capture effects outside the NCA's territory (the Silver Onions NL case and the ES Sherry cartel)
- Application of the *Ne bis in idem*



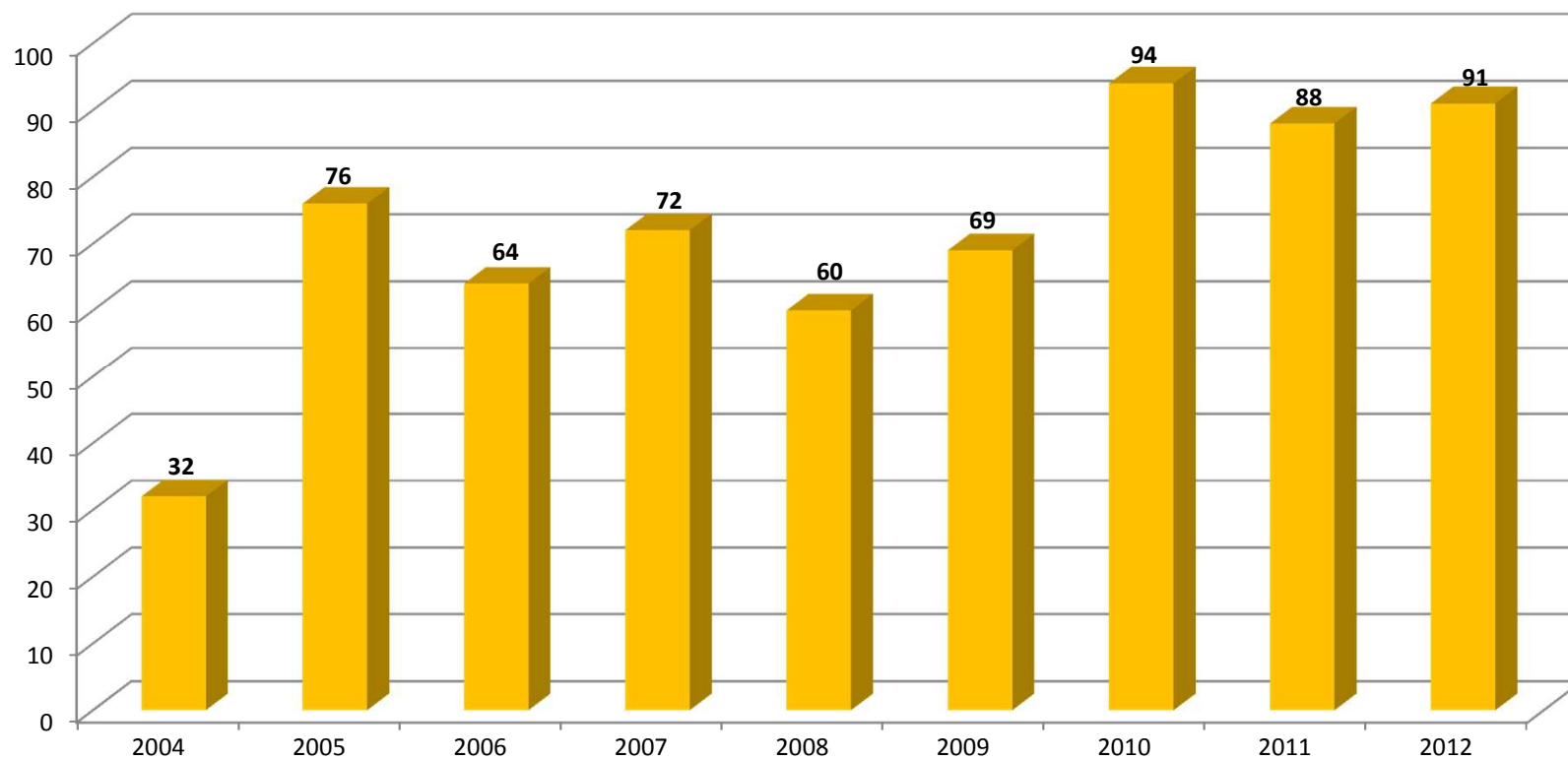
# Why the need to cooperate?

Substance –level playing field. Avoid cost for businesses to adopt different strategies in different countries

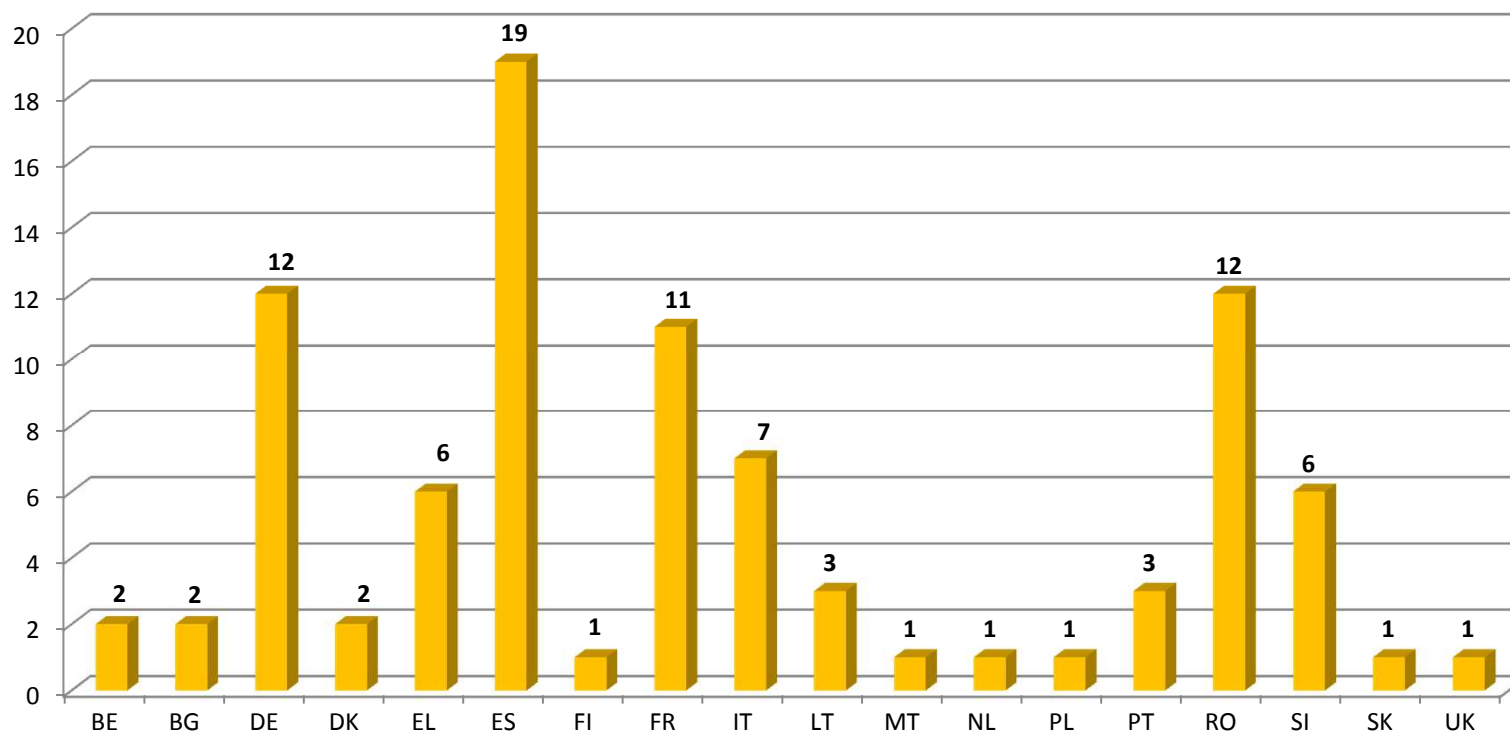
Upstream cooperation in horizontal working groups (vertical cases, cartel, sector WG)

Downstream coordination when Commission consulted on envisaged decisions

# Envisaged decisions May 2004 – 31 December 2012

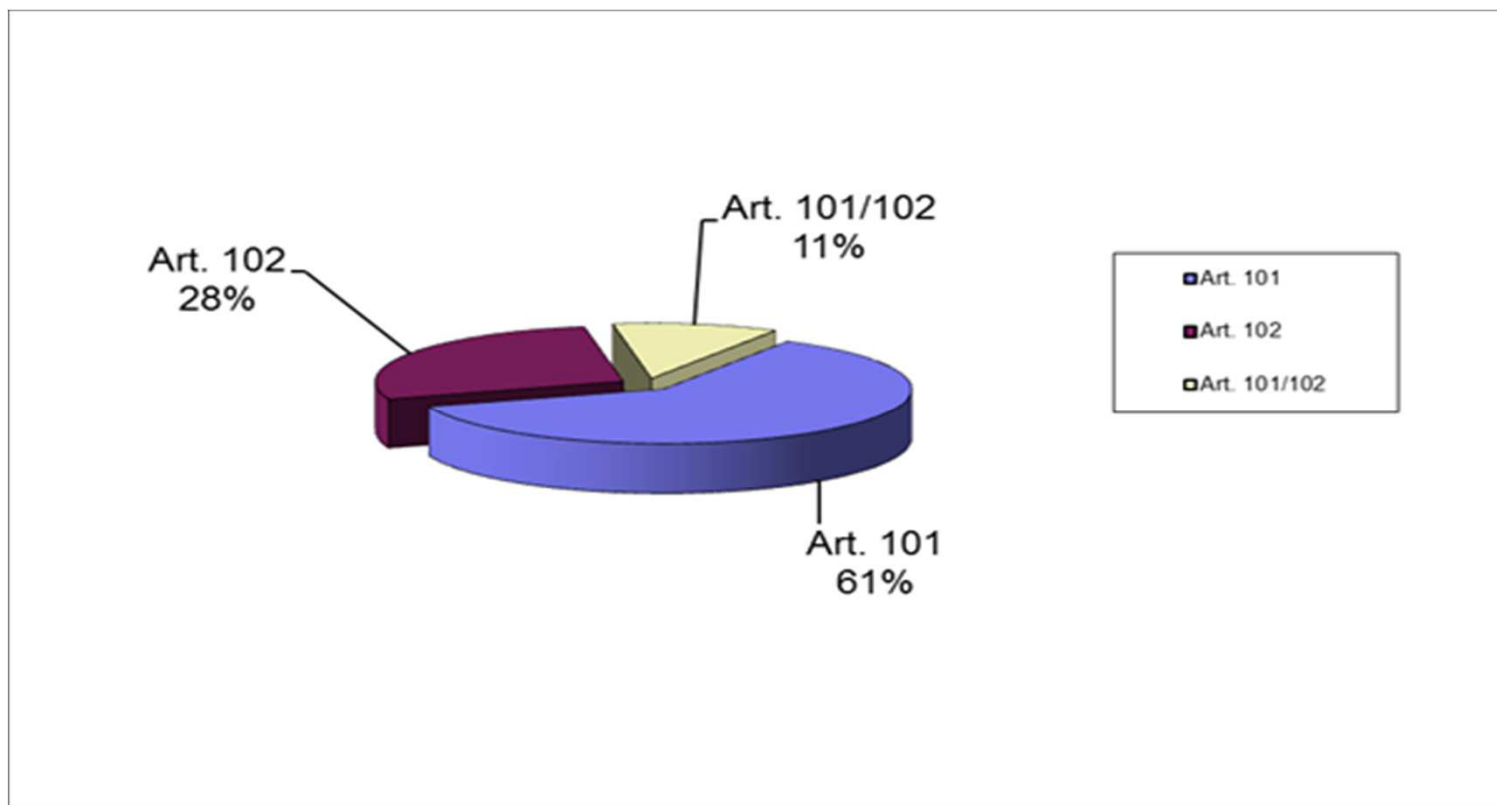


# Envisaged decisions by Member State in 2012

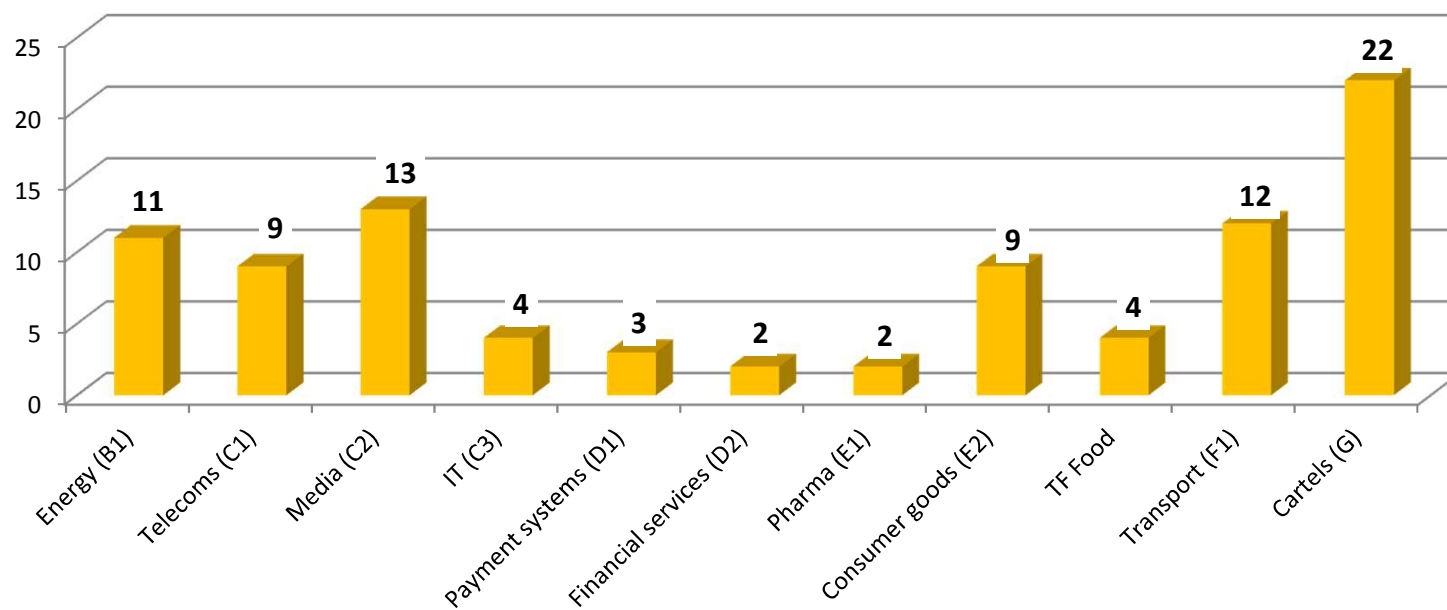




# Envisaged decisions by type of infringement in 2012



# Envisaged decisions by sector + cartels in 2012





## Convergence is a journey ...

*There is substantial consistency and natural harmonization between EU and European Member States competition case law.*

*... divergences may still be found*

Frédéric Jenny and Nicolas Charbit in *2013 Competition Case Law Digest*



**Thank you for your attention !**