



WANT FULL IMMUNITY

FROM FINES AND PENALTIES?

YOU HAVE ONE CHANCE
TO BE FIRST TO COME FORWARD.

TAKE IT.

For inquiries, please contact:

Commission for Protection of Competition
St. Cyril and Methodius No. 54 (6th floor)
1000 Skopje Republic of North Macedonia
+38 9 2 3298 666
leniency@kzk.gov.mk



The Leniency Programme for Cartels
from the Commission for Protection of Competition (CPC).

All members of a cartel have an equal chance to report their illegal activity but only one can qualify for full immunity from fines and penalties...and only then after meeting certain conditions. To qualify you must:

- Be first to report the violation for which the cartel member is liable
- Provide evidence sufficient for CPC to justify and conduct a “dawn raid” and thereafter either to initiate misdemeanor procedure against cartel members implicated or to conclude an existing misdemeanor procedure leading to a misdemeanor/infringement decision

Cooperate fully and continuously

- Cease infringement immediately except when necessary in CPC’s view to preserve integrity of the inspections (for example to protect the element of surprise of any forthcoming inspections)
- Provide relevant information including names and access to current and former employees for interviews or preparation of witness statements
- Alert CPC to any problems meeting CPC deadlines or requests
- Agree not to disclose the existence and content of the leniency application until CPC issues a preliminary statement of objection unless otherwise agreed to with CPC
- Agree not to destroy, falsify or conceal relevant information or evidence

Revocation A candidate who fails to meet the conditions for leniency for the duration of the investigative process through the conclusion forfeits leniency consideration.⁽²⁾ In the Decision establishing the existence of a misdemeanour CMM will not grant immunity of fine nor reduction of fine to the undertaking of Article 9 paragraph (1) of this bylaw, if until the end of the procedure it does not meet the conditions pursuant to the Article 65 paragraph (3) of the Law and Article 6 of this Bylaw. I interpret this to mean full cooperation as defined by the conditions as stated in Article 65 paragraph (1) item 1) or 2) of the Law and Articles 2 and 5 as summarised in the paragraph after the headline “Take it.” In short, violate any of those conditions, and the entity loses the opportunity for leniency. My understanding from a layman’s reading of the Law and Bylaw.

Coercion Should evidence prove that a cartel member has coerced an unwilling member to take part in the cartel, the member guilty of the coercion will only be eligible for a reduction of fines, rather than immunity from the fine.

Miss your chance to be first to come forward? —

**You may still qualify for reduced fines...
...or immunity should a first applicant be disqualified.**

Incentive All members of a cartel have a “sooner is better” incentive to self-report their illegal activity if and only if to establish their position in a queue for immunity or reduced fines. Should the initial applicant fail to meet leniency conditions, those other cartel members who have applied for immunity move up in the queue based on the time of their self-reporting. CPC may reduce fines up to as much as 50 percent for a cartel member who does not qualify for immunity but who :

- Provides CPC with additional oral or written information and, where available, evidence which makes a significant contribution to documenting the violation
- Cooperates fully and on a continuous basis with CPC

Value The key criterion for determining the percentage will be the value added by the material provided by the cartel member. This will generally, in turn, be a function of timing, meaning the stage at which the cartel member comes forward, evidence already in CPC’s possession, and the probative value of the evidence provided. CPC also will consider as a factor the applicant’s overall level of cooperation.

Worried about position? —

CPC confirms it.

Markers After a cartel member or individual notifies CPC of their intention to apply for the leniency program, CPC immediately records the timing and priority of the application relative to others received and then issues a formal acknowledgement to the applicant known as a marker confirming the date and time of receipt.¹ The marker protects an immunity applicant’s place in the queue relative to other applicants and indicates a deadline for submission of the application.

Worried about protection? —

CPC guarantees anonymity.

Application CPC only requires applicants provide a reasonable, factual basis for a suspicion of cartel activity and genuine intention to acknowledge wrongdoing to begin the leniency program application. Applicants or their legal advisor may visit or call CPC and ask to speak with a senior officer at from 9:30 to 15:30, Monday through Friday. CPC will respect caller’s request for anonymity. CPC does not accept “joint applications” from more than one cartel member. Applicants may contact CPC by phone, email or by registered post.

Please see back panel for contact information.

¹Bylaw on Immunity of Fines and Reduction of Fines and Procedure of the Misdemeanor Commission for Granting Immunity or Reduction of Fines, Articles 8 and 12.