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ARTICLE

Global immunity and leniency activity sees little uptick in 2024



PART OF OUR REPORT

Global antitrust enforcement report

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Overall, the number of immunity/leniency cases decided in 2024 (21) was broadly in line with 2023 (19) and 2022 (18). While certain antitrust authorities anecdotally continue to highlight the impact of leniency programs on cartel detection and deterrence, the costs and uncertainty associated with seeking leniency—including increasingly the prospect of follow-on private litigation and exposure to liability in other jurisdictions—have greatly reduced the leniency pipeline across many jurisdictions globally.

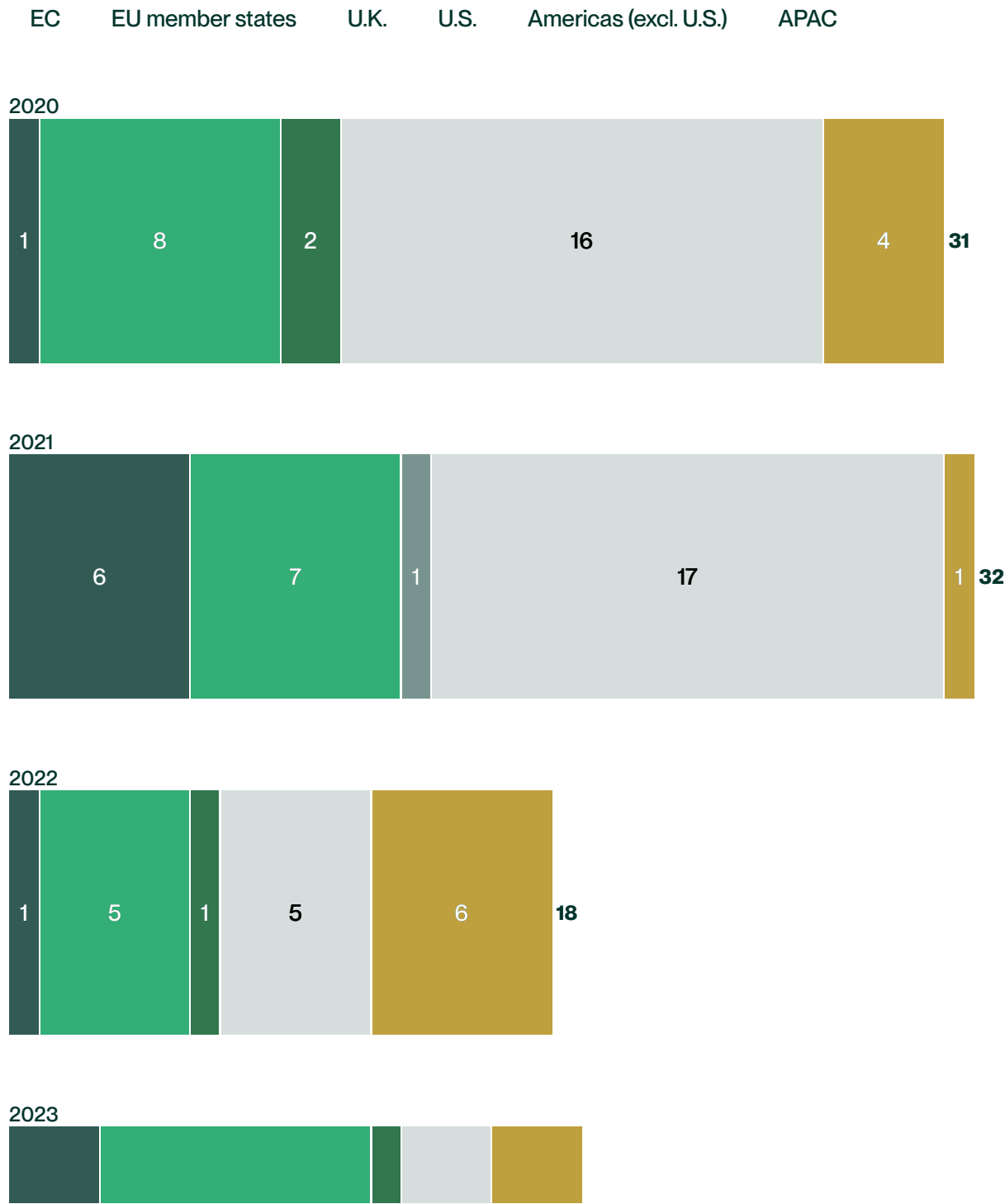
Regulators have continued their efforts to encourage immunity applications and leniency submissions by increasing the attractiveness of their policies. In February 2024, India's new "leniency plus" framework, designed to incentivize companies already under investigation to report other cartels, came into effect. In March 2024, the U.S. Department of Justice (DOJ) published an update to its leniency policy and procedures to implement a safe harbor for companies that discover wrongdoing by the acquired business in an M&A transaction. In June 2024, the Competition Bureau of Canada updated its immunity and leniency programs to include the Competition Act's new wage-fixing and no-poaching provisions. In December 2024, the Australian Competition & Consumer Commission (ACCC) updated its immunity and cooperation policy for cartel conduct, increasing transparency and certainty about how the immunity program is administered and clarifying the requirements for applicants.

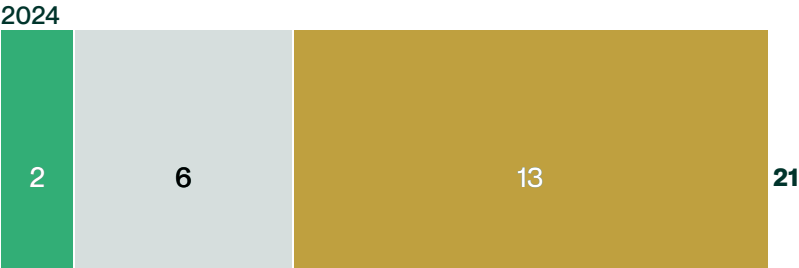
In contrast to the widely reported worldwide decline in leniency applications over recent years, in October 2024, a senior European Commission (EC) enforcer reported that the number of cartel leniency applications received by the EC had increased for the fourth year running in 2024. In April 2024, cartel enforcers in France, Germany, and Austria similarly signaled healthy leniency pipelines. Whether this reported uptick in leniency applications will

translate into an increase in successful enforcement actions is yet to be seen. We expect authorities globally to continue to build in-house expertise, improve whistleblowing programs, and invest in tech tools to detect anticompetitive conduct.

Comparison of cases initiated by immunity/leniency by region

Includes cartel, non-cartel and abuse of dominance





U.K. court confirms appealing CMA decision rescinds settlement discount

In December 2024, the Competition Appeal Tribunal (CAT) handed down its judgment in respect of an appeal by one of the settling parties in a construction services cartel. In dismissing the appeal, the CAT increased the penalty payable from GBP16 million to GBP18m. The judgment confirms that companies that settle but subsequently appeal a Competition and Markets Authority decision will lose the discount they received for settling.

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