



**TOPICAL QUESTIONS ABOUT REWARDS FOR  
COMPLIANCE PROGRAMS IN COMPETITION LAW  
INVESTIGATIONS FROM THE UNDERTAKINGS'  
PERSPECTIVE**

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The views expressed are solely those of the author and do not represent official position of CEZ, a.s., or the CEZ Group

## QUESTIONS WORTH 10 % OF TURNOVER

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- Can a company follow rules that it does not know?
- Can a company be sure that its employees, sales representatives, trade partners or even independent third parties do not involve it in breach of competition law?
- Can a company be sure that a breach of competition law is more lucrative than its own competition efforts?
- Can a company be guaranteed no duty to compensate a breach of competition law?



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# NO

That is why competition law  
compliance matters!

# REWARDS FOR COMPETITION LAW COMPLIANCE PROGRAMS IN THE CZECH REPUBLIC?



- Competition Compliance Programmes (CCPs) and rewards for them not recognized by Czech law
  - Theoretical possibility of taking into account circumstances of an offence
- Czech Competition Authority
  - does not grant reduction in fine for operation of a CCP
  - issued a 2004 Guide promoting CCPs
  - recognizes potential educational role of CCPs
  - active in national discussion on practical benefits of CCPs
- Czech Compliance Association (<http://www.czech-ca.cz>) co-founded by ČEZ promotes importance of CCPs for fair business making, focus on prevention of competition law offences
- Efforts by leading CZ law firms for recognition of CCPs in calculation of fine

# SOME QUESTIONS ON REWARDING COMPETITION COMPLIANCE PROGRAMMES I.

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- Does „simple adherence“ to law deserve a reward+even if interrupted by an offence?
- What are the benefits of CCPs for society and competition authorities justifying reduction of fine (e.g. prevention, resource savings, earlier detection,...)?
- *Food for thought: Are undertakings exerting genuine (+failed) efforts for competition law compliance any less deserving reward than leniency or settlements applicants?*
  - *Reflection of reality principle: difficulties in detecting cartels=leniency vs difficulties in promoting adherence to largely non-intuitive, not generally well-known, complex competition law=reward for effective CCPs?*

# SOME QUESTIONS ON REWARDING COMPETITION COMPLIANCE PROGRAMMES II.

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- How does one prove genuine/utmost/effective effort for competition law compliance?
  - What is the minimum/optimum level of CCP effort required for reduction of fine?
- What part(s) of CCP operation should be rewarded? – simple introduction vs sincere and dedicated operation (education, prevention, detection, mitigation, monitoring,...) vs only detection of a breach and reporting to a CA?
  - How does one prove that an offence reported to competition authority was detected thanks to CCP which therefore should be rewarded?



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Thank you for your attention