

**RESOLUTION ON THE NON-IMPOSITION AND REDUCTION OF
PENALTIES PROVIDED BY SECTION 15 OF LAW NO. 287 OF 10 OCTOBER
1990**

Measure No. 16,472

THE COMPETITION AUTHORITY

AT ITS MEETING on 15 February 2007,

HAVING REGARD to the report by the rapporteur Antonio Catricalà,

HAVING REGARD to article 81 of the EC Treaty,

HAVING REGARD to Council Regulation (EC) No 1/2003 of 16 December 2002,

HAVING REGARD to sections 2 and 15 of law No. 287 of 10 October 1990,

HAVING REGARD to article 14 of Decree Law No. 223 of 4 July 2006, enacted with amendments as law No. 248 of 4 August 2006,

HAVING REGARD to the model leniency programme adopted by the Network of Competition Authorities on 29 September 2006,

HAVING REGARD to the Notice of the Commission on immunity from and reduction of fines in cartel cases in OJ No. 296 of 8 December 2006 (Community Leniency Programme),

HAVING REGARD to the Commission's Notice on Cooperation within the Network of Competition Authorities published in OJ No. 101 on 27 April 2004,

HAVING REGARD to the Authority's resolution of 6 December 2006 initiating a public consultation on the draft leniency programme,

HAVING REGARD to the remarks and comments submitted by the parties concerned

CONSIDERING that the community leniency programme applies to horizontal agreements to fix prices, restrict production or sales and share the market, and that such conduct constitutes a very serious violation of competition law and can have a significant effect on the well-being of consumers and seriously distorts the competitiveness of the whole economic system,

CONSIDERING that it is difficult to identify and prove these practices, making it necessary to encourage companies parties to such agreements to report their existence to the Authority,

CONSIDERING that it appears appropriate, under certain conditions, for companies making a decisive contribution to discovering and ascertaining the existence of these

violations to be held immune from penalties, and that significant cooperation justifies a reduction of the penalties that would otherwise be imposed on the companies;

CONSIDERING that the adoption of different approaches to the application of leniency measures might hamper the discovery and the prosecution of collusion by Community Competition Authorities; and that, conversely, cooperation between the Commission and the national Competition Authorities for the parallel application of article 81 EC is facilitated by the adoption of favourable treatment programmes based on identical principles,

CONSIDERING, in the light of the foregoing, that cases should be defined in which, by virtue of significant cooperation by companies to make it possible to identify infringements of competition rules, the administrative fine may be either disapplied or reduced,

HEREBY RESOLVES

to adopt the Notice on the non-imposition and reduction of sanctions within the meaning of article 15 of law No. 287 of 10 October 1990, whose annexed text forms an integral part of this measure.

This measure will be published in the Bulletin provided by section 26 of law No. 287 of 10 October 1990.

Secretary General
Fabio Cintioli

Chairman
Antonio Catricalà

