Leniency in the Nordic Countries

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Introduction

In July 2007, Denmark was the last Nordic country to introduce a leniency programme for cartel participants. For more than two years, members of a cartel have been able to obtain either full immunity or a reduction of fines under the national competition laws in all Nordic Member States of the European Union. For multinational companies with operations in these countries, the introduction of a leniency programme in Denmark opened up the possibility of covering the entire Nordic area in simultaneous leniency applications with national competition authorities (NCAs).

The high priority given to cartel enforcement among the Nordic NCAs is evidenced by cartel decisions rendered across the region in recent years. In both Finland and Sweden, national leniency programmes have triggered cartel investigations. While the introduction of a leniency programme in Denmark further contributes to the fight against Nordic cartels, certain factors specific to the Nordic region still complicate leniency applications in cases where cross-border elements are present.

In addition to certain differences between the leniency programmes, these factors also relate to Norway not being an EU Member State, but one of the three EFTA States (Norway, Iceland and Liechtenstein) that, together with the European Union, form the European Economic Area (EEA). The Agreement on the European Economic Area (EEA), the Agreement on Competition in the EEA, the Regulation on the Calculation of and Leniency from Administrative Fines (EEA Agreement, 1993),[1] and the Resolution on the Calculation of and Leniency from Administrative Fines (EEA Agreement, 1993) give the European Commission (EEA Commission) broad jurisdiction to apply art.53 of the EEA Agreement (the equivalent of art.81 of the EC Treaty) to cartel activity in the EFTA States, but leaves open certain important questions on the rules and principles relating to case allocation and the implementation of art.81 when EFTA States are involved.

Furthermore, leniency applicants in the Nordic region are faced with uncertainties about both the guidelines and the agreement on co-operation in competition cases that have been adopted between the Nordic Competition Authorities. When a leniency application is made with one or several of the Nordic NCAs, it is unclear to what extent information contained in the application may be shared with other NCAs in the context of this co-operation. This issue arises due to the fact that the co-operation formally takes place outside the European Competition Network, of which all NCAs of the EU Member States and the Commission are members.

This article deals with aspects that need to be taken into consideration for those leniency applications that involve Finland, Sweden, Norway and/or Denmark. The first section illustrates some of the differences between the leniency programmes that may be of relevance for companies considering a leniency application, and provides an overview of recent leniency cases in the Nordic countries. The second section examines the open questions that remain in relation to jurisdiction and the co-operation between Nordic NCAs.

Cartel enforcement in the Nordic countries

Main features of the Nordic cartel legislation

Understanding the differences between cartel legislation in different countries enables a company to analyse all opportunities and risks across the various jurisdictions, and to make optimal decisions about the timing and strategy of its defence.

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1. Agreement on the European Economic Area, [1994] OJ L1/L. The European Community is also party to the agreement.

2. Due to its small size and peripheral location, Iceland is not covered. Nonetheless, it is notable that the aspects relating to the EEA Agreement dealt with in this article apply equally to all three EFTA States. On July 23, 2009, Iceland submitted an application for EU membership to the EU Council Presidency. The Foreign Ministers of the EU Member States subsequently decided on July 27, 2009 to forward the application to the Commission, hence imitating the formal accession process under art.49 of the Treaty on the European Union.

3. The Nordic leniency programmes are to be found in the Danish Competition Act (June 6, 1997 no.384 as amended) and the Norwegian Competition Act (March 5, 2004 no.12) and the Regulation on the calculation of and leniency from administrative fines (adopted pursuant to the Act of March 5, 2004 no.12) (the Leniency Regulation), the Swedish Competition Act (2008:579) and the Finnish Act on Competition Restrictions (480/1992).

In 2009, a working group at the Finnish Ministry of Employment and Economy (the Working Group) published a detailed report on a new Competition Act, proposing to amend, inter alia, the provisions on leniency (see “Kiiplaidulaki 2010” available at http://www.tem.fi/file21617/ITEM4.pdf [Accessed September 15, 2009]). The Finnish Government is expected to issue a Government Bill based on the Working Group’s proposal. Following parliamentary proceedings, the amended Competition Act is expected to enter into force in early 2010. This article reflects the leniency provisions in the Working Group’s proposal.
The leniency programmes in the Nordic countries provide for immunity and reduction of fines in systems that largely reflect the same principles as the Commission’s leniency notice (“the Leniency Notice”). So far, Sweden, Denmark and Finland have based their programmes on the Model Leniency Programme adopted by the Commission and the EU Member States. Regardless of this, certain differences between Nordic leniency programmes still remain.

Sanctions

Similarly to the sanctions applied at the EU level, the Nordic countries apply a maximum fine for cartel infringements of 10 per cent of the global group turnover. In Denmark and Norway, not only the undertaking but also the manager or chairman of the board may be ordered to pay a fine. Norway is currently the only Nordic country that provides for imprisonment for up to six years for cartel activity. Immunity from fines under the Norwegian leniency programme does not protect company representatives from criminal liability.

So far, the provision for imprisonment has not been applied in Norway. The Norwegian Competition Authority has also explicitly stated that leniency applicants should not fear criminal sanctions. In an initiative to amend the Norwegian leniency rules, the Norwegian Government in December 2008 proposed an extension of the leniency rules to also include the possibility of granting individual immunity from criminal liability to board members and/or employees of an undertaking who disclose their participation in a cartel.

In Sweden, a new Competition Act reflecting the EU regulatory framework entered into force on November 1, 2008. This Act takes a stricter approach against cartel activity by introducing revised principles on the calculation of fines and the possibility to impose a trading prohibition on individuals who have been involved in the infringement. No trading prohibition would be imposed where a cartel member has significantly facilitated the investigation of the Swedish Competition Authority.

Infringements for which leniency is available

As in most jurisdictions, the Nordic leniency programmes cover cartel-related infringements such as price fixing, restrictions of production, market sharing and bid-rigging.

The concept of cartel agreements is widely interpreted to include both informal agreements (gentlemen agreements) and “concerted practices” where firms adopt a common understanding to engage in parallel behaviour (such as price increases) without having explicitly agreed to do so.

Who can apply for leniency?

As is currently possible at the EU level, undertakings as well as associations of undertakings can apply for leniency in Sweden and Denmark. In Finland and Norway, leniency is only available to undertakings. Denmark is the only Nordic country where individuals can apply for leniency. A leniency application from an undertaking automatically covers all present and previous members of the board, managing directors and other employees. When an individual applies for leniency, the application only covers the individual concerned. The Danish system reflects the rule that not only the undertaking but also the manager or chairman of the board may be ordered to pay a fine.

Conditions for full immunity from fines

In all Nordic countries, certain basic conditions apply for the granting of full immunity. These basic conditions are fulfilled when an undertaking:

1. is the first to notify the infringement to the NCA and provides the NCA with evidence that the NCA does not yet have and which allows the NCA to take action against the infringement; or
2. is the first to provide evidence that allows the establishment of an infringement; and
3. co-operates fully with the NCA during the investigation of the infringement; and
4. ceases participation in the infringement upon notification to the NCA.

In addition to these basic conditions, the following applies:

In Sweden, in addition to the instances identified in the first and second points, a company which is first to provide “highly significant assistance” in the investigation of the infringement may be granted full immunity. To qualify for full immunity in Sweden, members, the managing director and the deputy managing director.

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4 Commission Notice on immunity from fines and reduction of fines in cartel cases, [2006] OJ C298/17.
8 Trading Prohibition Act (1986:436). In case of a limited liability company, these individuals would include board
a company has to submit all of the information and evidence to which it has access. Full immunity is not granted in Sweden where a company destroys evidence or renders the investigation of the case more difficult.

In Finland, the obligation to cease participation in an infringement (fourth point) does not apply to the extent that the NCA deems continued participation necessary so as to ensure that successful surprise inspections (“dawn raids”) can be carried out. Full immunity is also denied in Finland where a company destroys relevant evidence before or after submitting the leniency application, or reveals to a third party (other than the Commission or an NCA) the content of a leniency application or the fact that a leniency application is contemplated or has been made.

Similar to Finland, the NCA in Norway may request a leniency applicant not to cease its participation in the infringement. In Norway, the Leniency Regulation explicitly states that the obligation to co-operate entails the duty to submit all of the evidence that is known to the company, and to answer any questions that the NCA may have in connection with the infringement.

All Nordic countries exclude from immunity a company that has taken steps to coerce one or more undertakings to join a cartel. By contrast, a leniency application is contemplated or has been made.

Marker system and summary application

The leniency programme in Finland contains a marker system which allows undertakings to apply for a marker to secure their place in the queue for immunity. Once initial (possibly anonymous) contact with the Finnish Competition Authority has been made, and the authority has established that the granting of full immunity is possible, the authority sets a deadline for submitting all of the required information. Provided the required information is submitted within the given deadline, the moment the deadline is issued then becomes the decisive moment determining the place in the queue for immunity. The Leniency Notice provides for a corresponding mechanism at the EU level.9

No marker system is available under the leniency programmes in Denmark, Sweden and Norway.

The Commission and some EU Member States have also adopted a summary application system for cases where the Commission is “particularly well placed to act” (i.e. when more than three Member States are involved).10 A leniency applicant who has applied or is in the process of applying for immunity with the Commission may file such applications with those NCAs which it considers to be “well placed” to act under the Network Notice. Upon receiving a summary application, the NCA will acknowledge receipt and confirm that the applicant is the first to apply to that NCA for immunity. Summary applications are limited to cases where the applicant is the first to submit evidence that enables the authority to take action against the infringement. Unlike in marker systems, the NCA has no discretion as to whether it accepts a summary application.11 Denmark and Sweden are the only Nordic EU Member States to accept summary applications.12

9 See s.15 of the Leniency Notice.
10 See para.22 of the ECN Model Leniency Programme. This paragraph is covered in more detail in the section dealing with jurisdictional questions.
11 Should an NCA want to act in a summary application case, it will grant the applicant additional time to complete its application.
12 See list of authorities accepting summary applications as provided by the ECN Leniency Model Programme in Type IA cases, available at http://ec.europa.eu/competition/ecn/index_en.html [Accessed September 15, 2009].
In view of the jurisdictional questions discussed below, a marker system in Norway would be most welcomed. For the sake of consistency, the summary application system should also be open to NCAs of the EFTA States.

Recent leniency cases

In Sweden, the first Nordic country to introduce a leniency programme in 2002, full immunity from fines was granted in the Ventilation Systems case. The Stockholm District Court overturned a decision of the competition authority to award a reduction of fines (50 per cent) and granted full immunity (100 per cent). In addition, a reduction of fines has been granted in a number of cases.\(^\text{14}\)

In Finland, full immunity has been granted twice since the introduction of the leniency programme on May 1, 2004. In the Raw Wood case, UPM-Kymmene Plc came forward only a few days after the leniency programme was introduced and was granted full immunity, whereas Stora Enso and Metsäliitto Osuuskunta had fines imposed of €30 and €21 million respectively.\(^\text{13}\) Similarly, in the Car Accessories case, the company who first came forward was granted full immunity.\(^\text{16}\)

In Norway, where a leniency programme was introduced in 2004, the competition authority received at least one leniency application in 2007 which prompted an investigation by the Authority. Recognising that criminal liability may deter companies from coming forward, the Norwegian Government has proposed an extension of the leniency rules to also include the possibility of granting individual immunity from criminal liability to board members and/or employees of an undertaking who disclose their participation in a cartel.\(^\text{17}\)

In Denmark, no leniency applications have been publicly reported. However, due to the recent introduction of the programme, it may have triggered leniency applications that are currently being investigated by the Danish Competition Authority.

Jurisdictional questions

In addition to carefully considering the cartel legislation and conditions for leniency across potentially relevant jurisdictions, a company considering a leniency application needs to address complex questions of jurisdiction in some cases.

As a general rule, leniency applications should be made in all jurisdictions affected by a cartel. An important question that often arises is which of the Commission or the NCAs are better placed to act in the case, and to what extent parallel applications with these bodies are necessary to secure victory in a “leniency race”. Determining whether the Commission is competent to investigate a cartel may require a detailed analysis.

In a cartel involving EFTA States, this analysis is complicated by certain implications of the EEA Agreement relating to the distribution of powers between the Commission and the EFTA Surveillance Authority (ESA). ESA ensures that the EEA rules are properly enacted and applied by the EFTA States (“the EFTA pillar”). In the field of competition the powers of ESA mirror the competence of the Commission.

The EEA Agreement is based on a “one-stop shop” principle implying that either the Commission or ESA, but not both, is competent to handle an antitrust case in the EEA. Article 56 of the EEA Agreement empowers the Commission to handle all antitrust cases that appreciably affect trade between EU Member States. ESA, on the other hand, is empowered to act in cases where only trade between EFTA States is affected.

While in most cases it is relatively straightforward that the Commission (or NCAs) rather than ESA is competent to act in a cartel, the EEA Agreement leaves open to what extent certain acts adopted at EC level and between EU Member States also apply in a broader EEA context. In particular, questions arise concerning the application of Regulation 1/2003 (“the Implementing Regulation”) and the Notice on co-operation within the Network of Competition Authorities (“the Network Notice”) to the EFTA States.\(^\text{18}\) These acts deal with, inter alia, case allocation and the effects of the initiation of proceedings by the Commission.

\(^\text{13}\) Judgment of the Stockholm District Court in Case T 11660-03.
\(^\text{14}\) See, e.g. judgments of the Swedish Market Court of February 22, 2005 in the petrol cartel (MD 2005:7) and of May 28, 2009 in the asphalt cartel (MD-2009:11).
\(^\text{15}\) The Finnish Competition Authority proposes a reduction of 30 per cent of the fine imposed on Metsälaitio Osuuskunta, due to its co-operation with the Authority. Proposal of the Finnish Competition Authority in Case Dnro 416/61/2004, December 21, 2006. The case is still pending before the Market Court.
Case allocation—“more than three Member States”

The Network of European Competition Authorities (ECN), which consists of EU Member State NCAs and the Commission, has adopted various rules to ensure the consistent application of antitrust provisions throughout the EU and a case allocation that is as efficient as possible. To facilitate the selection of a competent competition authority in a cartel case, the Network Notice provides that, where a cartel has effects in more than three EU Member States, an application for leniency should generally only be directed to the Commission.22

“The Commission is particularly well placed if one or several agreement(s) or practice(s), including networks of similar agreements or practices, have effect on competition in more than three Member States (cross-border markets covering more than three Member States or several national markets).”

While this section only refers to “[EU] Member States”, EFTA States should arguably be factored in when assessing the number of countries involved. This is in line with the Commission’s broad jurisdiction over antitrust cases (including cartels) in the EEA, and the fact that the Leniency Notice applies to the EEA as a whole in cases where the Commission has jurisdiction.23

In a Nordic context, the proximity of Norway to the EU Member States increases the likelihood of Norway being covered by a network or similar cartel agreements as its neighbouring countries. Excluding Norway from a jurisdictional assessment would regularly fail to reflect commercial reality.

On the other hand, a corresponding jurisdictional asymmetry exists in the area of merger control. Where the Commission has the competence to scrutinise a merger under the EC Merger Regulation (ECMR), the NCAs in all EU Member States and EFTA States are deprived of their right to apply national merger control to the same case.21 Regardless of this, the jurisdictional thresholds in the ECMR relate to the total turnover generated in the EU Member States (“Community-wide turnover”) or on EU Member State level (“each of at least three Member States”), rather than to the EEA as a whole or the EU Member States and EFTA States.22 This may suggest that, until the EFTA States join the European Union, companies active in the EEA only need to assess the Commission jurisdiction based on their activities in the European Union.

To facilitate the choice of the competent authority for a leniency application, the principle of “more than

three Member States” requires clarification.21 Although neither the NCAs of the EFTA States nor ESA are formal members of the ECN, protocol 23 of the EEA Agreement recognises that they should be allowed to participate in meetings of the ECN “for the purposes of discussing general policy issues only”.24 This may be a suitable framework for discussions on how the principles of case allocation can be best clarified in relation to leniency applicants active in the EFTA States and the European Union.

Initiation of proceedings

Where a leniency application is made to the Commission and the Commission “initiates proceedings”, art.11(6) of the Implementing Regulation provides that NCAs in the EU Member States are relieved of their competence to apply art.81 of the EC Treaty. This mechanism is of importance for leniency applicants, since it removes any doubts as to whether the Commission or NCAs are better placed to act. On the other hand, a leniency application is no guarantee that the Commission will initiate proceedings (which is different from starting an investigation) in the case.

While the initiation of proceedings by the Commission would not as such bar the EFTA States from investigating the same case, various factors suggest that the NCAs in these countries should not initiate an investigation in such a case. The situation is, however, not straightforward and may further complicate the assessment faced by leniency applicants operating in the EU and the EFTA States.

Similar to the European Union, competition cases in the EFTA pillar are handled either by ESA or the NCAs in the EFTA States. When ESA initiates proceedings, the NCAs in the EFTA States are no longer competent to apply arts 53 and 54 of the EEA Agreement.25 In view of the “one-stop shop” principle applicable between

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19 See Network Notice, para.14.
20 See fn.1 of the Leniency Notice.
22 See art.1(2) and (3) of the ECMR.
23 In the elevators and escalators cartel, the Commission decision identified four separate cartels in Germany, the Netherlands, Luxembourg and Belgium. In its appeal before the Court of First Instance, one of the alleged cartel members submitted that the Commission was not the appropriate competition authority for the application of art.81 within the terms of the Network Notice. See Commission Decision of 21 February 2007 relating to a proceeding under art.81 of the Treaty establishing the European Community (COMP/E-1/38.823: Elevators and Escalators); and ThyssenKrupp Liften Ascensures v Commission of the European Communities (T-144/07), not yet reported.
24 See art.1A of Protocol 23 concerning the co-operation between the Surveillance Authorities (art.58). Of the EFTA States, only Norway and Iceland have designated Competition Authorities. Liechtenstein has not empowered any national authority to apply the antitrust provisions of the EEA Agreement, although the Office of National Economy in Liechtenstein plays a certain role within the context of co-operation in the field of competition in the EFTA pillar.
25 See art.11(6) of Chapter II of Protocol 4 to the Surveillance and Court Agreement.
it is advisable to secure one’s place in the queue to the Nordic region and it is unclear whether the EFTA pillar, which ideally should be addressed, currently exists between the European Union and the Commission. This reflects the asymmetry that the Commission would be helpful for leniency applicants faced with complex questions of jurisdiction.

The question is more problematic if the Commission receives a leniency application in a case that is already being dealt with by one or several NCAs. From the perspective of a leniency applicant, the main problem is that leniency granted by a national NCA may be lost if the case is transferred to the Commission.27 Where an NCA is acting on a case, the Commission is obliged to consult with that NCA before initiating proceedings.28 The NCA may then decide to suspend its investigation in order to have the case reallocated to the Commission.29 Again, the Commission’s obligation in this respect is limited to the NCAs of the EU Member States. It seems that the EFTA States would not be consulted by the Commission, but would learn about the case through the information exchange mechanisms between EFTA and the Commission. This reflects the asymmetry that currently exists between the European Union and the EFTA pillar, which ideally should be addressed.

In view of all of the above, where a case is limited to the Nordic region and it is unclear whether the “more than three Member States” requirement is met, it is advisable to secure one’s place in the queue for leniency by filing leniency applications with all of the authorities that may be competent to act in the case (or applications under the marker system in Finland and/or the Commission). Where a leniency application is filed with the Commission, summary applications in Denmark and Sweden may also be considered.

The European competition network and Nordic co-operation

Understandably, a leniency applicant is sensitive about the handling and use of information volunteered as part of a leniency application, or which is uncovered by a competition authority investigation. In cartels involving the Nordic region, two separate forms of co-operation become relevant, i.e.:

- the co-operation between Nordic competition authorities, which involves NCAs in all Nordic countries; and
- the co-operation between EU Member State NCAs and the Commission within the ECN.

The Nordic co-operation dates back to 1998, when the Nordic competition authorities set up a working group to explore increased co-operation in the enforcement of their respective competition laws.30 The overall conclusion was that there was a need for the improvement of the exchange of confidential information and for investigatory assistance in certain cases. This need was partly based on the fact that the Nordic competition authorities were examining an increasing number of cases involving Nordic groups of companies in major industrial sectors such as energy, finance and the forest industry. It was also particularly underlined that such co-operation would facilitate cartel enforcement.31 Apart from exchanging information, the co-operation entails regular meetings and the production of joint studies on various industrial sectors.

The Guidelines for co-operation between the competition authorities of the Nordic countries (“the Guidelines”) were adopted in May 2000.32 Denmark, Iceland, Norway and Sweden have subsequently also entered into an Agreement on co-operation in competition cases (“the

26 See art.2 of Protocol 23 concerning the co-operation between the Surveillance Authorities (art.58 of the EEA Agreement) and art.11(7) of Chapter II of Protocol 4 to the Surveillance and Court Agreement.

27 Such a situation is currently being dealt with by the Court of First Instance in ThyssenKrupp Liften A/S v.Commission (T-44/07), where the Commission initiated proceedings in a case in which the Belgian Competition Authority had already conferred immunity from fines to the applicant.

28 See art.11(6) of the Implementing Regulation.

29 See art.13 of the Implementing Regulation and art.13 of Chapter II of Protocol 4 to the Surveillance and Court Agreement.


32 These Guidelines were adopted by the Competition Authorities of Denmark, Finland, the Faroe Islands, Iceland, Norway and Denmark.
consider themselves bound by them when exchanging information based on the Agreement.

The Network Notice provides that information contained in a leniency application submitted to an ECN member may not be used by another ECN member as a basis for starting an investigation on its own behalf.40 It also sets forth clear boundaries for the exchange of information in cases where leniency applications have been filed.41 Pursuant to Chapter II of Protocol 4 to the Surveillance and Court Agreement, ESA and the EFTA States are bound by similar rules when acting within the EFTA pillar.42

To eliminate the uncertainty regarding the Nordic co-operation and leniency, the Nordic Competition Authorities should, ideally, amend the Guidelines and the Agreement to confirm that the safeguards in the Network Notice and Chapter II of Protocol 4 to the Surveillance and Court Agreement are also followed in the framework of the Nordic co-operation. Meanwhile, a leniency applicant may consider asking the NCAs to provide guarantees to the same effect. This could be done through a request for a guarantee/comfort letter without revealing any details of the cartel.

Conclusion

The cartel cases in Finland and Sweden illustrate how Nordic leniency programmes have assisted the NCAs in detecting cartels. A similar development is likely to follow in Denmark, which introduced a leniency programme in 2007. Although the Norwegian competition authority has announced that leniency applicants should not fear imprisonment of their employees, a legislative reform would probably be required to increase the functioning of the leniency programme in Norway. In this respect, the legislative proposal of the Norwegian Government to introduce the possibility of granting individual immunity from criminal liability is welcomed.

Regardless of the geographic area involved, the necessary considerations before a leniency application is filed involve similar elements. As long as there is no “one-stop shop” or other clear guidance for leniency applicants, companies seeking leniency, authorities should ideally follow

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33 Agreement between Denmark, Iceland and Norway on co-operation in competition cases, April 1, 2001. Sweden joined the Agreement on April 9, 2003.
34 See s.3 of the Guidelines. This is unless the NCA providing the information has a statutory authority to supply such information.
35 See arts II and IV of the Agreement.
36 See art.IV of the Agreement.
37 Section 30 of the Finnish Act on the Openness of Government Activities provides that an authority may grant access to a secret official document to an authority of a foreign State if an international agreement binding on Finland contains a provision on such co-operation or there is a provision to this effect in an act binding on Finland.
38 See para.72 of the Network Notice and list of “National Authorities which have signed the Statement regarding the Commission Notice on Co-operation within the Network of Competition Authorities”; available at [http://ec.europa.eu/commission/competition/en/index understandably list\$authorities\_join\_statement.pdf](http://ec.europa.eu/commission/competition/en/index understandably list\$authorities\_join\_statement.pdf) [Accessed September 15, 2009].
40 Nonetheless, the ECN members receiving such information may open investigations on the basis of information received from other sources (see para.39 of the Network Notice).
41 See art.12 of the Implementing Regulation and paras 40–41 of the Network Notice.
42 See art.11B in Chapter II of Protocol 4 to the Surveillance and Court Agreement.
Finland, Sweden and Denmark and revise its leniency programme to reflect this programme.

When a cartel involves the Nordic countries (including Norway), some of the jurisdictional questions are complicated by the Commission’s competence under the EEA Agreement to investigate cartel activity in Norway, and the fact that Norway is not a member of the ECN or formally bound by the Implementing Regulation. To reduce the uncertainties that follow from this asymmetry, formal clarifications of the “more than three Member States” principle and the effects of the initiation of proceedings by the Commission in relation to the EFTA States are desirable.

Likewise, the Nordic NCAs should ideally confirm that—as a minimum standard—the principles laid down in the Network Notice and Chapter II of Protocol 4 to the Surveillance and Court Agreement designed to protect leniency applicants are also respected within the framework of the Nordic co-operation.