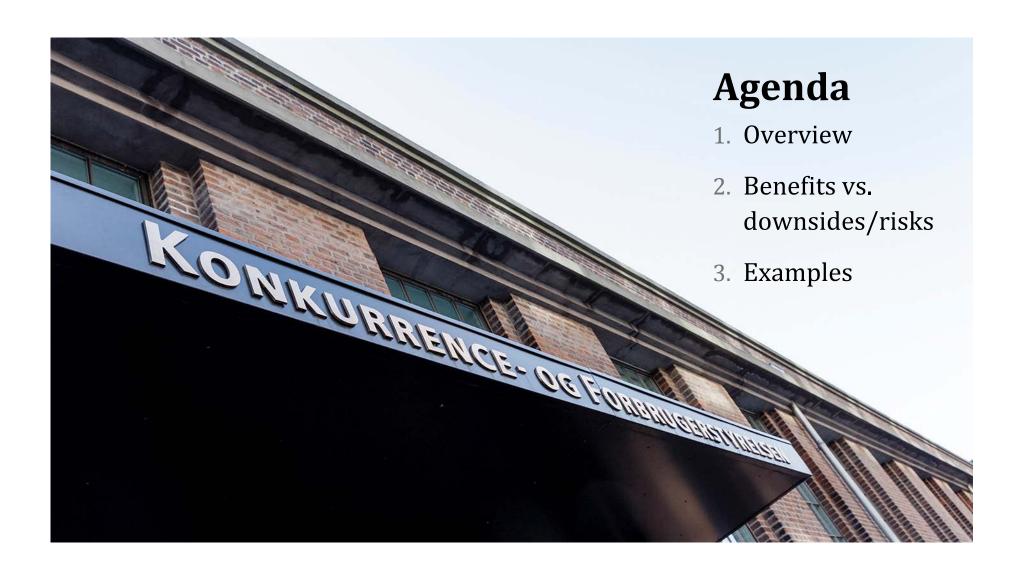
# Formal vs informal enforcement of competition law – Danish perspective

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## Different types of decisions/non-decisions



#### Different types of decisions/non-decisions

- Dismissal/close of case
- "Admonition"
- Guidance
- Commitment decision
- Infringement deisision (cease and desist)
- Infringement decision <u>and</u> referral to SEIC for criminal prosecution

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### Benefits vs downsides/risks



#### Benefits vs downsides/risks

Benefits of formal enforcement

- Deterrence
- Development of jurisprudence
- legal certainty, predictability and proportionality



#### Benefits vs downsides/risks

Benefits of informal/"negotiated" enforcement

- Procedural economy and efficiency
- Faster resolution of cases
- Improved quality of remedies

NB: For companies: avoidance of fines and less exposure to damages action



## Examples



#### **Examples**

- Dismissal/close
  - E.g. Booking.com/Expedia Group, Mastercard, DanAvl
- Admonition
  - Anonymous...
- Guidance
  - E.g. trade association's collection and publication of price index



#### Examples cont'd

- Commitment decision
  - E.g. TDC margin squeeze case
- Infringement decision (cease and desist)
  - E.g. Association of Danish Cinemas and Association of Danish Film Distributors
- Infringement decision + the SEIC for criminal prosecution
  - E.g. road marking case (consortia-case)





