

NOTICE 195 OF 2004
COMPETITION COMMISSION OF SOUTH AFRICA

CORPORATE LENIENCY POLICY

(Effective from February 2004)

Notice is hereby given that the Competition Commission ("the Commission") has adopted a Corporate Leniency Policy ("the CLP") outlining a process in terms of which the Commission may grant immunity to firms that are members of a cartel upon fulfilment of certain conditions in exchange for information sufficient to prosecute a cartel.

The CLP is published as a guideline in accordance with the provisions of section 79(1) of the Competition Act, ("the Act") no. 89 of 1998 as amended.

This Notice is published in terms of section 79(2)(a) of the Competition Act 89 of 1998, *as amended*.

Copies are also available at the Competition Commission Offices at Cnr. Glenwood Road and Oberon Street, Block B, Glenfield Office Park, Faerie Glen and on the Commission's Website <http://www.compcom.co.za>.



Corporate Leniency Policy

1. Preface

- 1.1 This Policy is prepared and issued by the Competition Commission (hereinafter “the Commission”) as a guideline¹ to clarify the Commission’s policy approach on matters falling within its jurisdiction in terms of the Competition Act, Act 89 of 1998 (hereinafter “the Act”).
- 1.2 This Policy is purely aimed at providing guidance and is not binding on the Commission, the Competition Tribunal² (hereinafter “the Tribunal”) or the Competition Appeal Court³ (hereinafter “the Appeal Court”) in the exercise of their respective discretions, or their interpretation of the Act.
- 1.3 It must be noted that nothing in this Policy shall preclude the Commission from exercising its discretion or powers granted to it in terms of the Act on matters to which the adopted policy approach may be applicable.
- 1.4 This Policy becomes effective on the date of publication in the Government Gazette and may be amended by the Commission as the need arises.

2. Introduction

- 2.1 The Commission was established in terms of the Act to, inter alia, investigate, control and evaluate restrictive practices and abuse of dominant position⁴. The overriding purpose of the Act is to promote and maintain competition in the economy, and to prevent any form of anti-competitive conduct by a firm or a group of firms arising from agreements.
- 2.2 The relevant section of the Act for the purpose of this policy is section 4(1)(b), which reads as follows:

“4. Restrictive horizontal practices prohibited

- (1) An *agreement* between, or *concerted practice* by, firms, or a decision by an association of firms, is prohibited if it is between parties in a *horizontal relationship* and if-
- (b) it involves any of the following *restrictive horizontal practices*:

¹ Section 79 of the Act provides for the publishing of guidelines.

² Established in terms of section 26 of the Act

³ Established in terms of section 36 of the Act

⁴ See sections 4, 5, 8 and 9 of the Act.

- (i) directly or indirectly fixing a purchase or selling price or any other trading condition;
- (ii) dividing markets by allocating customers, suppliers, territories, or specific types of *goods or services*; or
- (iii) collusive tendering.”

2.3 The above provision of the Act is particularly aimed at eradicating and preventing cartel activity as it harms the economy at large. Cartels are particularly a damaging form of anticompetitive agreement often resulting in price increases that are harmful to consumers of goods or services concerned. Not only does such activity affect consumer welfare, but it also hinders development and innovation in the industries within which this activity occurs.

2.4 Cartel operation is often collusive, deceptive and secretive, and is conducted through a conspiracy among a group of firms, with the result that it becomes difficult to detect or prove without the assistance of a member who is part of it.

2.5 In its endeavours to detect, stop, and prevent cartel behaviour, the Commission has, in line with other international jurisdictions, developed this policy to facilitate the process through which firms participating in a cartel are encouraged to disclose information on the cartel conduct in return for immunity from prosecution.

2.6 The policy sets out the benefits, procedure and requirements for co-operation with the Commission in exchange for immunity. The granting of immunity becomes an incentive for a firm that participates in a cartel activity to terminate its engagement, and inform the Commission accordingly.

2.7 This policy shall be known as the **Corporate Leniency Policy** (“CLP”).

3. **What is the CLP?**

3.1 The CLP outlines a process through which the Commission can grant a self-confessing cartel member, who is first to approach the Commission, immunity or indemnity for its participation in cartel activity⁵ upon fulfilling specific requirements and conditions by such cartel member.

⁵ The Commission is empowered to, inter alia, investigate alleged contraventions of Chapter 2 (s.21(c)), refer matters to the Competition Tribunal (s. 21(g)) and appear before Tribunal, as required by the Act. By virtue of these provisions the Commission has powers to prosecute cartel activities.

- 3.2 It is a compliance mechanism devised to encourage cartel participants to disclose to the Commission a cartel activity that the Commission is not aware of, to discourage or prevent the formation of cartels and to eradicate this harmful conduct.
- 3.3 Immunity or indemnity in this context means that the Commission would not subject the successful applicant⁶ to adjudication⁷ before the Tribunal for its involvement in the cartel activity, which is part of the application under consideration. Furthermore, the Commission would not impose any fine to that successful applicant.
- 3.4 It is a lenient process in that a cartel member that approaches the Commission of its own accord, and provides information that would result in the institution of proceedings against a cartel, will not be subjected to prosecution that it would have otherwise been subjected to had the Commission uncovered the cartel activity on its own.
- 3.5 Thus, a firm involved, implicated or suspecting that it is involved in cartel activity would be able to come forward of its own accord and confess to the Commission in return for leniency. In other words, if a cartel member realises that such conduct is a contravention of the Act, it could of its own free will without waiting for the Commission to investigate them, report the cartel activity and request the Commission to deal with it under CLP.
- 3.6 The CLP therefore serves as an aid for the efficient detection and investigation of cartels, as well as effective prosecution of firms involved in cartel operations. It envisages not only a situation that the applicant alerts the Commission of the existence of cartel activity, but one that would over and above culminate to a successful referral of and adjudication of such reported cartel activity, with the applicant co-operating as a witness against other members of the cartel where necessary.
- 3.7 The CLP is also adopted in recognition of the fact that not all firms engaging in anticompetitive conduct are aware that such conduct is illegal. In some sectors some conduct may be so prevalent that market players assume it is legal. Even those firms that become aware of the illegal nature of their conduct may fear disclosing the conduct for fear of severe consequences flowing from the Act.
- 3.8 In short, the CLP is designed in order to uncover conspiracies that would otherwise go undetected and to also make the ensuing investigations more efficient. It is for this reason that

⁶ Successful applicant means a firm that meets all the conditions and requirements under the CLP.

⁷ Adjudication means a referral of a contravention of chapter 2 to the Tribunal by the Commission with a view of getting a prescribed fine imposed on the wrongdoer. Prosecution has a similar import to adjudication herein.

the benefits of leniency are spelt out from the outset to serve as an incentive for the applicant to come forward.

3.9 Granting of immunity under the CLP is not based on the fact that the applicant is viewed as less of a cartel member than the other cartel members, but on the fact that the applicant is the first to approach the Commission and provide information that helps the Commission to uproot the harmful conduct that it would otherwise not have been able to detect.

3.10 The existence of the CLP shall, however, not preclude the Commission from deciding to exercise its powers to investigate a cartel in terms of the Act without considering the matter under the CLP, if the Commission deems it appropriate to do so in certain instances.

4. How should the CLP be interpreted?

4.1 Unless otherwise indicated in the CLP, the definitions and interpretation of words or phrases used in this entire document will be those given in section 1 of the Act.

4.2 The terms leniency, immunity and indemnity are used interchangeably as bearing the same meaning in the CLP.

4.3 Any reference to a number of days in the CLP refers to business days.

5. Where is the CLP applicable?

5.1 The CLP is applicable only in respect of *cartels*. A cartel refers to an association by agreement among competing firms to engage in price fixing, division or allocation of markets, and/or collusive tendering. This conduct constitutes a *per se* prohibition in terms of section 4(1)(b) of the Act.

5.2 These cartel activities need not have been entered into in South Africa. For as long as a cartel activity has an effect in South Africa, the CLP would apply irrespective of the fact that the activity takes place outside the shores of South Africa.

5.3 Immunity granted by another competition authority would not automatically qualify the applicant for immunity by the Commission under the CLP. As an independent authority, the Commission must conduct its own investigation on alleged contraventions of the Act in an independent and

impartial manner. Furthermore, no cross-boarder agreements exist between the Commission and other competition authorities on leniency matters.

- 5.4 Immunity would be granted in respect of separate and various cartel activities provided the applicant meets the requirements on each contravention reported. Thus, there will be no blanket immunity. For instance, if an applicant is granted immunity in respect of one contravention out of the three that were committed at a certain given time, such does not automatically indemnify the applicant in respect of the other two contraventions. The only exception would be in respect of contraventions that cannot be severed, such may be considered as one.
- 5.5 The CLP is aimed at cartel activity that is unknown to the Commission. However, there is an exception in respect of the following circumstances:
- 5.5.1 where the Commission is aware of the conduct but has insufficient information, and no investigation has been initiated yet, the applicant that has sufficient information or evidence to enable the Commission to institute proceedings may be considered under the CLP.
- 5.5.2 in respect of pending investigations and investigations already initiated in the Commission if the Commission, having assessed the matter, is of the view that it has insufficient evidence to prosecute and one of the firms under investigation could be used as a key witness in the prosecution of other firms involved in cartel activity.
- 5.6 Only a firm that is *'first to the door'* to confess and provide information to the Commission in respect of cartel activity would qualify for immunity under the CLP. If other members of the cartel wish to come clean on their involvement in a cartel to which the applicant has already confessed, the Commission may explore other processes outside the CLP, which may result in the reduction of a fine, a settlement agreement or a consent order. In the event that the matter is referred for adjudication in the Tribunal, the Commission may consider asking the Tribunal for favourable treatment⁸ of the applicants who were not first to come.
- 5.7 The CLP applies to a firm, which includes a person, partnership or a trust. A person refers to both a natural and a juristic person. The CLP will apply to a natural person to an extent that such person is involved in an economic activity, for instance, a sole trader or a partner in a business

⁸ Favourable treatment implies substantial or minimum reduced fine from the one prescribed, which will be dictated by the nature and circumstances of each case, as well as the level of cooperation given

partnership. Furthermore, it is important that a person making the application be the person authorised to act for a firm in question.

5.8 Reporting of cartel activity by individual employees of a firm or by a person not authorised to act for such firm will only amount to whistle blowing and not application for leniency under the CLP. The Commission also encourages whistle blowing, as such would also assist the Commission in detecting anticompetitive behaviour.

5.9 It must be noted that the Act does not attach criminal sanctions to competition law violations, therefore, the CLP would only indemnify the applicant from prosecution for contravening section 4(1)(b) of the Act and the administrative fine that may be imposed by the Tribunal. It would not absolve the applicant from criminal liability under any provision of the Act.

6. What is the nature of the CLP process?

6.1 The CLP is a compliance tool that serves as an aid in the investigation of cartels. It is therefore not in itself an administrative action that is subject to review by or appeal at the Tribunal or any other court of law⁹.

6.2 It is a process that is undertaken on a confidential basis. Disclosure of any information submitted by the applicant prior to immunity being granted during this process would be made with the consent of the applicant, provided such consent will not be unreasonably withheld by the applicant.

6.3 It is applied on a case-by-case basis. The Commission will exercise its discretion whether or not to consider granting immunity but will endeavour to consistently apply the CLP in all deserving cases.

6.4 Fair and proper administration of the Act underlies it, not prosecution of self-confessed cartel members. It is for this reason that honesty and cooperation are paramount for the effective implementation of the CLP.

6.5 Nothing in the CLP shall limit the rights of any person who has been injured by cartel activity in respect of which the Commission has granted immunity. Granting of immunity under the CLP

⁹ See *Norvatis SA (Pty) Ltd & Others vs The Competition Commission & Others (22/CR/B/Jun01/CT)* and *Menzi Simelane & Others vs Seven Eleven Corporation (Pty) Ltd & Others (480/2001/SCA)*. Also see exclusions provided in terms of section 1(i)(a)(ff) of the Promotion of Justice Act, 2000 (Act 3 of 2000)

does not shield the applicant from any civil action¹⁰ that may arise from the cartel conduct in respect of which the Commission has granted immunity.

7. When would the CLP not apply?

7.1 There are various instances in which the CLP clearly would not be applicable, which include, but not limited to, the following:

7.1.1 where the cartel conduct in respect of which immunity is sought falls outside the ambit of the Act;

7.1.2 where the matter relates to an attempted unsuccessful cartel conduct;

7.1.3 where another member within the cartel has already made an application for leniency under the CLP;

7.1.4 where there is lack of the required cooperation from the applicant; or

7.1.5 where the applicant fails to meet the requirements and conditions set out in the CLP.

7.2 It is the approach of the Commission that unsuccessful applicants, if they so wish, be encouraged to cooperate with the Commission and attempt negotiations to settle the matter with the Commission through a settlement agreement or a consent order, which may result in a reduced fine.

7.3 The Commission may, on its own initiation in deserving cases, explore other lenient approaches outside the CLP in respect of unsuccessful applicants.

8. How to ascertain if the CLP will be applicable?

8.1 Where a firm is unsure whether or not the CLP would apply to a particular conduct, it may approach the Commission on a hypothetical basis to get clarity. This may be done telephonically or in writing. A firm concerned may choose to remain anonymous if it wishes to.

8.2 A firm that chooses to disclose its identity or any relevant information at this stage does so at its own risk because it would not be protected by the CLP at this stage. However, the Commission will protect information submitted by applicants and treat it with utmost confidentiality.

¹⁰ A right to bring a civil claim for damages arising from a prohibited practice comes into existence on the date that the Tribunal made a determination in respect of a matter that affects that person, or in case of an appeal, on the date that the appeal process in respect of that matter is concluded (see s. 65(9)). Thus granting of immunity per se does not give rise to such right.

8.3 Any clarification issued in this regard will not have a binding effect on the Commission, the Tribunal or the Appeal Court. It is merely issued to guide the would-be applicant as to whether a conduct would be considered for leniency under the CLP.

9. What forms of leniency are applicable in the CLP?

9.1 Applicants for leniency may expect the following result(s) to their applications:

9.1.1 Conditional immunity

9.1.1.1 This is normally given to an applicant at the initial stage of the application so as to create a good atmosphere and trust between the applicant and the Commission pending the finalisation of the leniency process. This is done in writing between the applicant and the Commission signalling that leniency has been provisionally granted.

9.1.1.2 Conditional immunity would therefore precede total immunity or no immunity. Once the Commission finalises all the preliminary investigations and is of the view that it has sufficient evidence to institute proceedings in respect of the reported cartel conduct, it will give the co-operating applicant total immunity.

9.1.1.3 The Commission reserves the right to revoke the conditional immunity if the applicant does not co-operate.

9.1.2 Total Immunity

9.1.2.1 Total immunity is granted to a successful applicant who:

- a. has fully met all the conditions and the requirements;
- b. has not been found guilty of engaging in cartel activity before in terms of the Act;
and
- c. in respect of the current application has not been the instigator or the leader of the cartel.

9.1.2.2 In situations where the applicant has failed to meet any one of the above conditions, and the applicant is the only one that has come forward in respect of that particular cartel activity with the result that no successful adjudication can be achieved without the

applicant being used as a witness against other cartel members, the Commission may consider granting leniency.

9.1.2.3 The situation described in 9.1.2.2 above will not be applied lightly. Extreme caution will be exercised as this exception may be open to abuse.

9.1.3 No immunity

9.1.3.1 This applies in those cases where the applicant fails to meet the conditions and requirements. It also applies to applicants who have been found to be dishonest in their applications with the result that the process does not achieve the intended purpose.

9.1.3.2 Once immunity is not granted, the Commission would be at liberty to deal with the applicant as provided for in the Act. In the same breath the Commission may consider a settlement agreement or a consent order, or where a matter is referred, asking the Tribunal for a reduction of fine in respect of the unsuccessful applicant.

9.1.3.3 An applicant that does not meet all the requirements but wishes to be considered for some form of favourable treatment may also approach the Commission for a possible settlement of the matter.

10. What are the requirements and conditions for leniency under the CLP?

10.1 The applicant for immunity under the CLP will qualify for leniency provided it meets the following requirements:

- (a) the applicant must honestly provide the Commission with complete and truthful disclosure of all evidence, information and documents in its possession or under its control relating to the cartel activity;
- (b) the applicant must thereafter offer full and expeditious co-operation to the Commission concerning the reported cartel activity. Such co-operation should be continuously offered until the Commission's investigations are finalised and the subsequent proceedings in the Tribunal are completed;
- (c) the applicant must immediately stop the cartel activity or act as directed by the Commission;
- (d) the applicant must not have been the instigator of, or coerced other firm(s) to be part of the cartel activity; and

(e) the applicant must not alert former cartel members that it has applied for leniency

- 10.2 The Commission will exercise its discretion on whether or not to consider an application for leniency under the CLP whenever the above situations exist. The Commission will, however, endeavour to grant immunity to all deserving applicants.
- 10.3 It is a standing condition in any application for leniency to the Commission that any applicant who makes a misrepresentation concerning the material facts shall not get immunity. Also if an applicant is dishonest, the Commission reserves the right to stop the leniency process and deal with the party as provided for by the Act.
- 10.4 If the applicant fails to meet the requirements and conditions through no fault of its own, the Commission may in deserving appropriate cases still grant leniency. This could be the case where for example a firm applying for leniency is unable to provide required documentary evidence which is in possession of a third person and cannot have access to it.

11. What is the procedure to be followed in the CLP?

- 11.1 The procedure outlined herein is aimed at ensuring efficient facilitation of the CLP, and the Commission may exercise some flexibility where necessary to achieve the desired outcome. For instance, where the process refers to a meeting, the Commission may in certain circumstances choose to use other forms of communicating with the applicant without having a meeting. The procedure is as follows:

11.1.1 First Contact with the Commission

- 11.1.1.1 The applicant must make an application for leniency in writing to the Commission by facsimile or e-mail¹¹. The application must contain information substantial enough to enable the Commission to identify the cartel conduct and its participants in order to determine whether or not an application for leniency has been made in respect of the same conduct. It is not necessary for the applicant to disclose its identity at this stage.

¹¹ Applications may also be hand delivered to the Commission's offices.

11.1.1.2 If another firm has already made an application in respect of the same conduct, the Commission must advise the applicant accordingly in *writing or by telephone* within five (5) days, or within a reasonable period after receipt of the application.

11.1.1.3 If no firm has made an application already, the Commission must advise the applicant accordingly in *writing or by telephone*. The applicant must thereafter within five (5) days, or within a reasonable period after receipt of such advice from the Commission make an arrangement for the first meeting with the Commission. At this stage the Commission would require the full identity of the applicant.

11.1.2 First Meeting with the Commission

11.1.2.1 The applicant must bring all the relevant information, evidence and documents at its disposal relating to the cartel activity for consideration by the Commission. The applicant must answer all the questions that the Commission may ask in relation to conduct being reported or matters relating thereto.

11.1.2.2 The purpose of this meeting would be to find out whether the applicant's case would qualify for consideration under the CLP. At this stage the Commission may only have sight of and peruse all the documents brought by the applicant but may not make copies. The Commission must within five (5) days, or within a reasonable time after the date of the first meeting make a decision on whether or not the applicant's case qualifies for consideration and inform the applicant accordingly in *writing*.

11.1.2.3 If the Commission decides that the applicant qualifies for consideration under the CLP, arrangements for a second meeting will be made. At this stage the applicant would officially be considered as the first applicant in respect of the cartel activity in question.

11.1.2.4 If the Commission decides that the applicant does not qualify for leniency the applicant would be advised so in writing. This would be regarded as "No Immunity".

11.1.3 Second meeting with the Commission

11.1.3.1 The aim of this meeting would be to discuss and grant conditional immunity to the applicant pending finalisation of any further investigations by the Commission in the matter. At this stage the applicant will be required to bring forward any other relevant

information, evidence and documents that it may still have in its possession or under its control. The Commission would be able to make copies of all documents provided.

11.1.3.2A written agreement between the applicant and the Commission, otherwise known as the conditional immunity, which will be granted subject to the general conditions and requirements of the CLP, as well as any other specific conditions and requirements, will be agreed upon between the applicant and the Commission.

11.1.3.3The Commission shall maintain confidentiality on all information, evidence and documents given to it throughout the process. Use of documents and information obtained from the applicant at the Tribunal in terms of the Act shall not amount to the breach of confidentiality.

11.1.4 Investigations, Analysis and Verification

11.1.4.1After the granting of conditional immunity, the Commission will move forward with its investigations relating to the cartel activity. The Commission will analyse and verify information or documents given by applicant against any existing or discovered information and/or documents. At this stage the Commission may use all methods and tools provided for in the Act, including interview, subpoena, search or summon any firm(s) whom it believes could assist in connection with the matter.

11.1.4.2Once the Commission is through with this exercise and is satisfied that all the conditions and the requirements are met, a final meeting would be arranged. Similarly, should the Commission not be satisfied it can call a meeting with the applicant either to revoke the conditional immunity or to solicit further documents or information so as to enable the Commission to complete the exercise.

11.1.5 Final meeting

11.1.5.1After the Commission has completed its investigation and is satisfied that it has sufficient information to institute proceedings, it will converge with the applicant in order to grant total immunity to the applicant, which will cancel the conditional immunity. Total immunity will be in writing.

11.1.5.2 Total immunity is characterised by an undertaking on the part of the applicant completely agreeing to be the witness for the Commission, where necessary, in the proceedings relating to the cartel activity in respect of which it has been given immunity. Further, total immunity will, as a condition, require the applicant to fully co-operate with the Commission in all aspects concerning that cartel activity. In turn the Commission will not prosecute or fine the successful applicant.

11.1.5.3 Should the applicant wish to stop its participation in the process, it runs the risk of being dealt with in terms of the Act. Although the Commission will not use the evidence obtained from the applicant in subsequent proceedings, there is nothing precluding it from getting such evidence from the applicant by the methods created by the Act.

12. When can leniency be revoked?

12.1 Revocation may occur at anytime in respect of either a conditional immunity or total immunity.

12.2 The Commission will revoke a conditional or total immunity in writing.

12.3 Revocation may occur for various reasons, which include, lack of cooperation by the applicant, misrepresentation of facts, dishonesty and failure by the applicant to meet conditions set for either a conditional or total immunity,

12.4 It must be noted that, in terms of section 73(2)(d) of the Act, a person commits an offence when s/he knowingly provides false information to the Commission. Thus, an applicant whose immunity has been revoked by the Commission based on the provision of false information, will be liable to penalties stipulated in section 74(1)(b), if convicted of such an offence.

12.5 Where either a conditional or total immunity is revoked, the Commission may decide to pursue the matter in terms of the relevant provisions of the Act.

13. What is the effect of unsuccessful applications under the CLP?

13.1 Factors such as lack of cooperation, failure to meet the requirements, dishonesty, providing insufficient evidence or having instigated a cartel would result in an unsuccessful application, the effect of which would include the following:

13.1.1 The Commission would be at liberty to investigate the matter and refer it for adjudication in terms of the provisions of the Act if it deems it necessary to do so.

13.1.2 The Commission may, depending on the matter, ask for a lenient sanction when referring a matter to the Tribunal in respect of a firm whose application has been unsuccessful.

13.1.3 The Commission and/or the unsuccessful applicant may initiate negotiations for a settlement agreement or a consent order, which may also result in reduction of a fine that may be imposed in terms of the Act¹².

14. Conclusion

14.1 In developing the CLP, the Commission has done a review and comparison of leniency policies adopted by competition authorities in the European Union (EU), Canada, Australia, United Kingdom (UK) and United States of America (USA).

14.2 After reviewing and comparing these policies and how they have been implemented, it appears that leniency policies in almost all jurisdictions concerned have proved to be one of the most effective tools to deal with cartels.

14.3 The CLP has been tailored to be consistent with the legal and regulatory framework that exist in South Africa.

14.4 The general requirements for granting leniency also seem to be substantially the same and consistent in all the jurisdictions reviewed. The CLP is therefore based on those general requirements.

14.5 The effective implementation of the CLP will require dedicated resources in order to achieve the desirable outcome.

14.6 Making the leniency policy available to the public will create awareness of benefits that firms, big and small, may take advantage of. The CLP will, therefore, also be available in a booklet form and on the Commission's website.

¹² The Tribunal has powers to order a fine of up to 10% of the firms' annual turnover in terms of the Act.

- 14.7 It is envisaged that a leniency of the nature adopted by the Commission in the CLP would lead to detection and expeditious finalisation of cases that otherwise would have been difficult, if not impossible, to crack.
15. Whom to contact at the Commission regarding the CLP?
- 15.1 Firms seeking to make general enquiries on the CLP or seeking clarification on whether or not leniency would be considered may contact the **Corporate Compliance Coordinator**: Compliance Division at:
- Telephone number **+27 12 482 9066**
 - Facsimile number: **+27 12 482 9120**
 - e-mail address: **ccsa@compcom.co.za**
- 15.2 Firms seeking to make an application may forward them for the attention of the **Manager**: Exemptions and Enforcement Division at:
- Dedicated Line: **+27 12 482 9012**
 - Facsimile number: **+27 12 482 9118**
 - E-mail: dianet@compcom.co.za or
 - Hand deliver the application to: cnr Glenwood Rd and Oberon Str. Block B, Glenfield Office Park, Faerie Glen, Pretoria.
- 15.3 Firms may also visit the Commission's Website at www.compcom.co.za for further information.

References

1. Cartel Regulation: Global Competition Review, 2003
2. Fighting Hard-Core Cartels: Harm, Effective Sanctions and Leniency Programmes, OECD, 2002
3. ACCC Leniency Policy For Cartel Conduct: June 2003
4. Immunity Program Under The Competition Act: Competition Bureau Information Bulletin, 2000
5. Corporate Leniency Policy: Department Of Justice, August 1993