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Parallel enforcement of international cartels and its impact on the proportionality of overall punishment

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Propositions relating to the dissertation “Parallel Enforcement of International Cartels and Its Impact on the Proportionality of Overall Punishment” by Pieter Huizing

1. The expansive jurisdictional approaches currently applied in the US and the EU fail to recognise the existence of mature and active cartel enforcement regimes around the world.
2. Current cartel fining methodologies fail to adhere to retributive and consequentialist principles of proportionality.
3. To ensure overall proportionality of fines for international cartels, competition authorities should take into account penalties already imposed elsewhere.
4. The increasingly widespread, active and parallel enforcement of international cartels calls for the development of guiding principles to achieve international coordination of cartel fines.
5. Even though public cartel enforcement and private cartel enforcement serve different purposes, increased effectiveness of the latter calls for a more lenient application of the former.
6. Competition authorities should proactively assist companies with the implementation of effective compliance policies.
7. There is an imbalance between the competition authorities’ resources devoted to merger control and those spent to assist companies in making a self-assessment under Art. 101(3) TFEU.
8. The increasingly active and strict enforcement by competition authorities of vertical restrictions of competition by suppliers and distributors contrasts with the fact that intra-brand competition has never been as fierce as it is today.
9. The successful rise of Google, Apple, Facebook and Amazon (GAFA) stresses the need to nuance the importance of preserving consumer choice.
10. Economic regulation overshoots the mark when it becomes too complicated to take any business decisions without involving lawyers to ensure compliance with such regulation.
11. Democracy fails when people elect leaders who undermine public faith in governmental institutions and scientific authority.
12. The year 2020 exposes the best and the worst aspects of interdependence and globalisation.