

Cooperation and ECN+ from the perspective of the BCA

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Cooperation between NCAs in the ECN

- Some figures for the BCA:

	2017	2016	2015	2014
Dawn raids for NCAs	2	2	/	2
Questions from NCAs	27	31	31	46
Discussions in plenaries, advisory committees and workgroups	48	46	47	51

Plus bilateral contacts, informal calls, etc.: no figures available.

- Key factors of success:
 - Team spirit goes beyond a mere will to cooperate,
 - E.g. ICT forensic efforts for convergence,
 - Case related cooperation will mostly be within clusters of neighbours.

What brings ECN+

- In respect of multi-jurisdictional cases:
 - Detailed provisions on leniency to companies and natural persons (where relevant): more legal certainty and fewer incentives for forum shopping,
 - Convergence of statutes of limitation: less risk of underenforcement,
 - Calculation of fines: less risk of underenforcement but increased risk of over enforcement.
- On mutual cooperation in each other's cases:
 - Further convergence on the rules of confidentiality and the use of information received in cooperation,
 - More symmetry of tools, e.g. in respect of dawn raids, notification of SOs,
 - Convergence on parent liability
 - Mutual assistance on enforcement of sanctions.