Settlements and Alternative Case Resolutions
benefits / appropriateness; how to decide
Goals of antitrust enforcement and litigation

- Promoting competition in the market; minimizing antitrust infringements.
- Deterrence:
  1. Deterrence of the specific violator (person or corporation).
  2. Deterrence of potential violators (general public).
- Retaliation; punishment for a forbidden act.
- Educating the market on antitrust law and principals.
- Compensation of victims.
- Predictability and consistency.
Settlements & Alternative case resolutions

- **Alternative solutions to prevent infringements**  
  *ex ante*  
  enforcement actions that can prevent future infringements.

- **Settlements & Alternative Case Resolutions – ex post**  
  enforcement tools to address an infringement that has already occurred.
Alternatives to prevent infringements - *ex ante*

- Public statements / guidelines: clarification of the authority’s position on specific practice
- Pre ruling
- Compliance programs
- Information letters
- Visits
Settlements & Alternative Case Resolutions – ex post

- Settlements
- Consent decree / consent agreement / consent order
- Plea bargains
- Mediation
- Facilitated settlement negotiations
- Administrative fines
- Warnings
benefits / appropriateness; how to decide

• Costs and Resources - Internal capacity
• Characteristics of the competition agency and the legal system
• Timeliness
• Characteristics of the violators and the market
• The kind of violation
• The impact of various “sanctions” on the violators
• The effect in the market
• International aspects
• Barriers to expansion, entry or exit