

THE OECD COMPETITION LAW AND POLICY INDICATORS 2013 - QUESTIONNAIRE

Purpose of the questionnaire

This questionnaire aims at constructing indicators of the strength and scope of competition regimes in OECD jurisdictions and in some non-OECD ones (Brazil, Bulgaria, Colombia, Egypt, India, Indonesia, Latvia, Lithuania, Malta, Peru, Romania, Russia, South Africa, and Ukraine), i.e. of the framework in which competition agencies operate. These indicators will be used to examine the link between competition law and policy and economic outcomes.

How to answer questions

- Responses to the questionnaire should reflect the situation on 1 January 2013.
- EU member states should answer considering the laws and practices of their own jurisdiction.
- Since the CLP exercise is meant to create a database that is as comparable across countries as possible, the questionnaire cannot be tailored to the specific regulatory settings in individual countries. In cases where a question or the suggested list of answers do not adequately describe the regulations in your country, please choose the answer that best corresponds to your country.
- All questions are based on a multiple choice. Definitions and detailed instructions are provided on specific questions. Please read these as well as the general definitions carefully before selecting your answer.

General definitions

- Antitrust infringements refer only to anticompetitive horizontal agreements, anticompetitive vertical agreements and abuses of dominance/anticompetitive unilateral conducts, they do not include mergers.
- Decision-maker can indicate the agency, a court or another public body.
- Sanction is a wide term that includes fines and other forms of penalties aimed at ensuring compliance with the law. Sanctions can be criminal (such as imprisonment) and non-criminal (such as fines).
- Remedies are aimed at eliminating the competition problem. Hence they are different from sanctions.
- When a question asks whether the agency or the court can do something, it tries to ascertain whether the agency or the court has the legal power to do that. When a question asks whether the agency or the court has done something in the last five years, it tries to ascertain whether that specific power has been used.
- Market/sectoral studies are examinations into particular markets/sectors to assess how effective competition is and whether there are obstacles to competition that could be removed. In this questionnaire this term also refers to market investigations, i.e. those market studies where the body performing them has the power to impose remedies.

QUESTIONNAIRE

SECTION 1. COMPETENCES

Questions	Definitions/instructions	Answers
Q1.1 Does the competition law apply also to firms located outside your jurisdiction whose behaviour directly affects competition and/or consumers in domestic markets? (Q1.1)	<i>In answering Q1.1 please only refer to the behaviours held by firms located outside your jurisdiction that have a direct effect on competition and/or consumers in your jurisdiction (e.g. a group of foreign firms that form a cartel whose goods are sold in your jurisdiction)</i>	yes/no
Q1.2 In your jurisdiction, are state-controlled firms exempt from the application of competition law when conducting commercial activities in competition with private firms? (Q1.2)	<i>A firm is said to be state-controlled when national, state or provincial governments (including local governments or municipalities) hold, either directly or indirectly through a state-controlled company, the largest single share of the firm's equity capital (note that this also includes small equity shares as long as no other single entity is owning a larger share). State-controlled firms include also government entities not organized as companies, but operating in business or market activities.</i>	yes / yes, but only in some sectors or with respect to some antitrust infringements / no

SECTION 2. INDEPENDENCE

Questions	Definitions/instructions	Answers
Q2.1 Have the government/ministers given binding directions to the competition agency on whether it should open an investigation on an alleged antitrust infringement <u>at least once in the last five years?</u> (Q2.1)	<i>Q2.1 concerns those jurisdictions where the competition agency has discretion on whether or not to take a claim and "binding directions" given by the government/ministers run contrary to the exercise of such discretion. Hence in those jurisdictions where the competition agency is legally bound to investigate every alleged antitrust infringement brought before it, whether by a plaintiff or by the government/ministers, such discretion is not available. Hence those countries should reply "no, because the agency has to examine all the complaints it receives".</i>	yes / no, because the agency has to examine all the complaints it receives / no

Questions	Definitions/instructions	Answers
Q2.2 Have the government/ministers given binding directions to the decision-maker in your jurisdiction on whether it should close an investigation on an alleged antitrust infringement <u>at least once in the last five years?</u> (Q2.2)		yes/no
Q2.3 Have the government/ministers given binding directions to the competition agency on whether it should impose/not impose (or ask a court to impose/not impose) specific remedies when closing an investigation on an alleged antitrust infringement <u>at least once in the last five years?</u> (Q2.3)		yes/no
Q2.4 Have the government/ministers given binding directions to the competition agency (or other public bodies) on whether it should not undertake a market/sectoral study <u>at least once in the last five years?</u> (Q2.4)		yes/no
Q2.5 Have the government/ministers overturned a decision concerning the clearance of a merger <u>at least once in the last five years?</u> (Q2.5)	<p><i>In answering this question please consider both clearances with and without remedies.</i></p> <p><i>By clearance we mean when the decision-maker has decided not to take any action to prevent/block a merger.</i></p>	yes, fully overturned / yes, but only as regards remedies imposed / no
Q2.6 Have the government/ministers overturned a decision concerning the prohibition of a merger <u>at least once in the last five years?</u> (Q2.6)	<p><i>In court-based systems this question refers to the case where the government overturns the competition agency's decision to petition a court to prohibit a merger.</i></p>	yes/no

SECTION 3. POWERS TO INVESTIGATE

Questions	Definitions/instructions	Answers
Q3.1 Can your competition agency compel (or ask a court to compel) firms investigated for a possible antitrust infringement to provide information? (Q3.1)	<i>Compel means to force the firms by threatening to impose legal sanctions, such as fines.</i>	yes/no
Q3.2 Can your competition agency compel (or ask a court to compel) third parties to provide information to help an investigation on an antitrust infringement? (Q3.2)	<i>Third parties can include firms and individuals.</i>	yes/no
Q3.3 Can your competition agency perform unannounced inspections/searches in the premises of firms investigated for a possible antitrust infringement aimed at gathering evidence (with or without a warrant/court authorization)? (Q3.3)	<i>In some jurisdiction these unannounced inspections are referred to as "dawn raids".</i>	yes/no
Q3.4 If yes, has your competition agency performed unannounced inspections in the premises of firms investigated for a possible antitrust infringement <u>at least once in the last five years</u> ? (Q3.4)		yes/no/not applicable
Q3.5 Can your competition agency compel (or ask a court to compel) merging firms to provide information to help it assess the merger? (Q3.5)	<i>Compel means to force the firms by threatening to impose legal sanctions such as fines.</i>	yes/no
Q3.6 Can your competition agency compel (or ask a court to compel) third parties to provide information to help it assess the merger? (Q3.6)	<i>Third parties can include firms and individuals.</i>	yes/no

SECTION 4. POWERS TO SANCTION/REMEDY

Questions	Definitions/instructions	Answers
<p>Q4.1 Can your competition agency impose (or ask a court to impose) remedies or a cease and desist order on firms that have committed an antitrust infringement? (Q4.1)</p>	<p><i>Remedies are aimed at eliminating the competition problem/concern. Hence they do not include sanctions, which are aimed at ensuring compliance with the law. It is sufficient that either the court or the agency (not necessarily both) can impose remedies to answer 'yes'.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q4.2 If yes, can your competition agency impose (or ask a court to impose) sanctions on firms that do not comply with remedies imposed on them with respect to an antitrust infringement they have committed? (Q4.2)</p>	<p><i>As mentioned at the start sanctions is a wide term that includes fines and other forms of penalties aimed at ensuring compliance with the law. Sanctions can be criminal and non-criminal.</i></p>	<p>yes/no/not applicable</p>
<p>Q4.3 Can your competition agency impose (or ask a court to impose) sanctions on firms that have committed an antitrust infringement? (Q4.3)</p>		<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q4.4 Can your competition agency (or a court) accept or impose remedies on firms in order to clear a merger? (Q4.4)</p>		<p>yes/no</p>
<p>Q4.5 Can your competition agency impose (or ask a court to impose) sanctions on a firm that hinders an investigation on an alleged antitrust infringement? (Q4.5)</p>	<p><i>A variety of behaviours may hinder an investigation. These may include non-cooperation with dawn raids and delays in providing information when requested, as well as giving no, wrong or misleading information (e.g. with regard to an information request).</i></p> <p><i>Q4.5 asks whether sanctions can be imposed specifically for having hindered an investigation on an antitrust infringement and does not concern the sanction that may be imposed for committing that antitrust infringement.</i></p>	<p>yes/no</p>
<p>Q4.6 If yes, have sanctions been imposed on a firm and/or individuals for hindering an investigation on an antitrust infringement <u>at least once in the last ten years</u>? (Q4.6)</p>		<p>yes/no/not applicable</p>

Questions	Definitions/instructions	Answers
<p>Q4.7 Can your competition agency impose (or ask a court to impose) sanctions on firms and/or individuals that do not comply with a decision concerning a merger? (Q4.7)</p>	<p><i>The decision the firms have not complied with could be the prohibition of a merger, or could concern the imposition of specific remedies as a condition to permit the merger.</i></p> <p><i>The decision the firm is not complying with could have been made by the competition authority or by a court.</i></p>	<p>yes/no</p>
<p>Q4.8 Can your competition agency impose (or ask a court to impose) interim measures while performing an investigation of an alleged antitrust infringement because there is a concern that this may lead to irreversible damages?(Q4.8)</p>	<p><i>Interim measures are temporary measures to stop the behaviour of the alleged infringer(s) in order to avoid that the allegedly anticompetitive behaviour/agreement leads to irreversible damage before the investigation is completed. They include preliminary injunctions by courts.</i></p> <p><i>In some countries these measures can be imposed only after a statement of objections has been issued. In such a case the answer should still be 'yes'.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q4.9 Can your competition agency (or a court) settle voluntarily with the parties investigated for an alleged antitrust infringement and thus close the investigation?(Q4.9)</p>	<p><i>Q4.9 wants to capture whether the decision-maker can settle with the parties or accept commitments offered by the parties and thus bring the case to a faster conclusion. Commitments or a settlement normally require that the firm(s) cease the allegedly unlawful conduct and take some action to remedy the alleged infringement. In court-based systems it includes both the possibility that the investigation is settled by judicial consent decree or that it is closed in response to actions voluntarily taken by parties under investigation.</i></p> <p><i>It does not matter whether a final conclusion on the existence of the infringement is reached or not.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q4.10 Can your competition agency (or a court) clear a merger that raises anticompetitive concerns by negotiating/accepting remedies that address these concerns at an early stage and thus avoid performing a more in-depth investigation? (Q4.10)</p>	<p><i>Examples to which Q4.10 refers are 1) mergers resolved by judicial consent decrees or 2) mergers cleared by accepting undertakings/remedies in lieu of a further investigation. This question, like Q4.9, wants to capture whether the decision-maker can accept undertakings/remedies and thus bring the case to a faster conclusion, avoiding a lengthy and detailed investigation.</i></p>	<p>yes/no</p>

SECTION 5. MERGERS

Questions	Definitions/instructions	Answers
Q5.1 Does the decision-maker conduct an economic analysis of the competitive effects of mergers when investigating them? (Q5.1)	<p><i>By economic analysis we mean an analysis that uses economic concepts, tools and techniques.</i></p> <p><i>Q5.1 asks whether the decision-maker conducts an economic analysis and not whether they can hence it is about the practice of the decision-maker.</i></p>	yes/no
Q5.2 When assessing a merger can the decision-maker consider whether the merger is likely to generate efficiencies? (Q5.2)		yes/no
Q5.3 Has the decision-maker blocked or cleared with remedies <u>at least one merger in the last five years</u> ? (Q5.3)		yes/no

SECTION 6. HORIZONTAL AGREEMENTS

Questions	Definitions/instructions	Answers
Q6.1 Are anticompetitive horizontal agreements (including cartels) prohibited in your jurisdiction? (Q6.1)	<p><i>Anticompetitive horizontal agreements may include: joint-ventures, exchanges of information, cooperation and R&D agreements.</i></p> <p><i>A cartel is a special kind of anticompetitive agreement that consists of a group of similar independent companies that join together to fix prices, to limit production, or to share markets or customers between them. In many jurisdictions cartels are prohibited independent of the effects they actually have on competition.</i></p>	yes/no
Q6.2 Does the decision-maker conduct an economic analysis of the competitive effects of horizontal agreements when investigating them? (Q6.2)	<p><i>By economic analysis we mean an analysis that uses economic concepts, tools and techniques.</i></p> <p><i>Q6.2 asks whether the decision-maker conducts an economic analysis and not whether they can, hence it is about the practice of the decision-maker.</i></p>	yes / yes, but not in the case of cartels / no / not applicable

Questions	Definitions/instructions	Answers
Q6.3 When investigating an allegedly anticompetitive horizontal agreement can the decision-maker consider any efficiency this may generate? (Q6.3)		yes / yes, but not in the case of cartels / no / not applicable
Q6.4 Have sanctions and/or remedies been imposed on <u>at least one</u> cartel in your jurisdiction <u>in the last five years</u> ? (Q6.4)		yes/no/not applicable
Q6.5 Have sanctions and/or remedies been imposed on <u>at least one</u> anticompetitive agreement that is not a cartel in your jurisdiction <u>in the last five years</u> (Q6.5)?		yes/no/not applicable
Q6.6 Does your jurisdiction have a leniency/immunity program for cartel participants (firms and/or individuals)? (Q6.6)	<i>By leniency/immunity program we mean any program that ensures partial or total immunity from sanctions to firms that unveil the existence of a cartel and/or bring evidence to support a cartel investigation, independent of whether the firm is the first or a subsequent applicant and of the degree of immunity accorded to them.</i>	yes/no/not applicable
Q6.7 If yes, has the leniency/immunity program generated <u>at least one</u> application <u>in the last five years</u> ? (Q6.7)		yes/no/not applicable

SECTION 7. VERTICAL AGREEMENTS

Questions	Definitions/instructions	Answers
<p>Q7.1 Are anticompetitive vertical agreements prohibited in your jurisdiction? (Q7.1)</p>		<p>yes/no</p>
<p>Q7.2 Does the decision-maker conduct an economic analysis of the competitive effects of vertical agreements when investigating them? (Q7.2)</p>	<p><i>By economic analysis we mean an analysis that uses economic concepts, tools and techniques.</i></p> <p><i>Q7.2 asks whether the decision-maker conducts an economic analysis and not whether they can, hence it is about the practice of the decision-maker.</i></p> <p><i>In some jurisdictions some types of vertical agreements are considered hard core and as such are always prohibited (i.e. independent of the effects they actually have on competition).</i></p>	<p>yes / yes, but not in the case of hard-core vertical agreements / no / not applicable</p>
<p>Q7.3 When investigating an allegedly anticompetitive vertical agreement can the decision-maker consider any efficiencies this may generate? (Q7.3)</p>	<p><i>Q7.3 concerns vertical agreements examined under the relevant legislation and not abuses of dominance of a vertical nature (as these will be examined under the legislation that concerns abuses of dominance).</i></p>	<p>yes / yes, but not in the case of hard-core vertical agreements / no / not applicable</p>
<p>Q7.4 Have sanctions and/or remedies been imposed on <u>at least one</u> anticompetitive vertical agreement in your jurisdiction <u>in the last five years?</u> (Q7.4)</p>		<p>yes/no/not applicable</p>

SECTION 8. EXCLUSIONARY CONDUCTS

Questions	Definitions/instructions	Answers
Q.8.1 Are exclusionary conducts by dominant firms and/or by firms with substantial market power prohibited in your jurisdiction? (Q.8.1)		yes/no
Q8.2 Does the decision-maker take non-market-share factors (such as conditions of entry, ability of smaller firms to expand, and ability of customers to switch to smaller rivals) into account when determining dominance? (Q8.2)		yes/no/not applicable
Q8.3 Does the decision-maker conduct an economic analysis of the competitive effects of exclusionary conducts when investigating them? (Q8.3)	<p><i>By economic analysis we mean an analysis that uses economic concepts, tools and techniques.</i></p> <p><i>Q5.1 asks whether the decision-maker conducts an economic analysis and not whether they can, hence it is about the practice of the decision-maker.</i></p>	yes/no/not applicable
Q8.4 When investigating an allegedly exclusionary conduct can the decision-maker consider any efficiency this may generate? (Q8.4)		yes/no/not applicable
Q8.5 Has the decision-maker in your jurisdiction imposed sanctions and/or remedies on <u>at least one</u> firm for exclusionary conduct <u>over the past five years</u> ? (Q8.5)		yes/no/not applicable

SECTION 9. ADVOCACY

Questions	Definitions/instructions	Answers
<p>Q9.1 Does your competition agency (or another public body) advocate competition at the central government level? (Q9.1)</p>	<p><i>In Q9.1 and Q9.2 we do not consider as advocacy activities such as conferences or press articles.</i></p> <p><i>For a jurisdiction which is a federation of states the question should be interpreted as asking whether the relevant competition agency can advocate competition at the federal government level.</i></p>	<p>yes/no</p>
<p>Q9.2 Does your competition agency (or another public body) advocate competition at local or regional government levels? (Q9.2)</p>	<p><i>For a jurisdiction which is a federation of states the question should be interpreted as asking whether the relevant competition agency can advocate competition at state or local government levels.</i></p>	<p>yes/no</p>
<p>Q9.3 Are new public policies that may have implications for competition subject to a competition assessment in your jurisdiction? (Q9.3)</p>	<p><i>A competition assessment is a process to identify whether existing or proposed public policies may, even unintentionally, unduly restrict competition. It includes the consideration of alternative and less anti-competitive policies. This definition is based on the OECD 2009.</i></p> <p><i>Recommendation on Competition Assessment. Public policies are regulations, rules or legislation as in the OECD 2009 Recommendation on Competition Assessment.</i></p>	<p>yes / yes, but not all of them / no / not applicable</p>
<p>Q9.4 Can market/sectoral studies be performed in your jurisdiction? (Q9.4)</p>	<p><i>Market/sectoral studies are examinations into particular markets/sectors to assess how effective competition is and whether there are obstacles to competition that could be removed. In this questionnaire this term also refers to market investigations, i.e. those market studies where the body performing them has the power to impose remedies.</i></p> <p><i>Q9.4 aims at understanding whether there is any public body in your jurisdiction that has the power to perform such studies.</i></p>	<p>yes/no/not applicable</p>

Questions	Definitions/instructions	Answers
Q9.5 If yes, has <u>at least one</u> market/sectoral study been performed in your jurisdiction <u>in the last five years</u> ? (Q9.5)		yes/no/not applicable
Q9.6 If a market/sectoral study identifies an obstacle or a restriction to competition caused by an existing public policy, can the study include an opinion/recommendation to the government to remove or reduce such an obstacle or restriction? (Q9.6)		yes/no/not applicable
Q9.7 If a market/sectoral study includes an opinion/recommendation to the government concerning an obstacle or restriction to competition caused by an existing public policy, is the government required to publicly respond to this opinion/recommendation? (Q9.7)	<i>Q9.7 aims at understanding whether the government is required to consider the outcome of market/sectoral studies and publicly declare whether it will follow any opinion/recommendation therein or, if not, explain why.</i>	yes / no, but it usually responds / no / not applicable

SECTION 10. ACCOUNTABILITY

Questions	Definitions/instructions	Answers
<p>Q10.1 Does your competition agency regularly publish a report on its activities? (Q10.1)</p>	<p><i>The reports mentioned in Q10.1 usually include a qualitative description of the enforcement and advocacy activities of the agency and a set of quantitative indicators that describes their level of activity. The periodicity of these reports in general is annual, but there are some exceptions.</i></p>	<p>yes/no</p>
<p>Q10.2 Are decisions that ascertain the existence of an antitrust infringement published by the relevant decision-maker? (Q10.2)</p>	<p><i>The answer should be yes only if reasoned decisions are published.</i></p> <p><i>Q10.2 only refers to decisions that find the investigated firm(s) guilty of an antitrust infringement.</i></p>	<p>yes / yes, but not all / no</p>
<p>Q10.3 Are decisions that block a merger or clear a merger with remedies published by the relevant decision-maker? (Q10.3)</p>	<p><i>The answer should be yes only if reasoned decisions are published.</i></p> <p><i>Q10.3 does not refer to those cases where the parties themselves decide to abandon or restructure a merger.</i></p> <p><i>Q10.3 does not refer to decisions where a merger has been cleared without imposing remedies.</i></p>	<p>yes / yes, but not all / no</p>
<p>Q10.4 Can decisions on antitrust infringements and mergers (whether taken by a competition agency or a court) be subject to judicial review with respect to their substance? (Q10.4)</p>	<p><i>Q10.4 asks whether such judicial review is possible, but does not ask whether judicial review is always undertaken. The parties affected by the decision may not be willing/interested in requiring a judicial review, but the aim of the question is to understand whether such a review is possible.</i></p> <p><i>Q10.4 does not refer to those decisions that cannot be appealed because there is no further instance of appeal.</i></p>	<p>yes/no</p>

SECTION 11. PROCEDURAL FAIRNESS

Questions	Definitions/instructions	Answers
<p>Q11.1 Does your competition agency provide the party/parties under investigation for an antitrust infringement with opportunities to consult with your competition agency with regard to significant legal, factual or procedural issues during the course of the investigation? (Q11.1)</p>	<p><i>By consulting with the competition agency we refer to the possibility for the representative of a firm to meet with officials of the agency to obtain clarifications/ discuss issues concerning procedural, legal or factual issues related to the antitrust investigation they are involved in. Consulting does not refer to the right to be heard before an investigation is closed and a decision is taken, which is asked in the next question.</i></p>	<p>yes/no</p>
<p>Q11.2 Do parties have the right to be heard and present evidence before the imposition of any sanctions or remedies for having committed an antitrust infringement? (Q11.2)</p>	<p><i>The right to be heard and present evidence (either in writing or orally or both) concerns the possibility of defending oneself from the accusation of having committed an antitrust infringement.</i></p>	<p>yes/no</p>
<p>Q11.3 Does your competition agency provide the parties under investigation for a merger with opportunities to consult with your competition agency with regard to significant legal, factual or procedural issues during the course of the investigation? (Q11.3)</p>	<p><i>By consulting with the competition agency we refer to the possibility for the representative of a firm to meet with officials of the agency to obtain clarifications/ discuss issues concerning procedural, legal or factual issues related to the antitrust investigation they are involved in.</i></p> <p><i>Consulting does not refer to the right to be heard before an investigation is closed and a decision is taken, which is asked in the next question.</i></p>	<p>yes/no</p>
<p>Q11.4 Do parties have the right to be heard and present evidence before a decision on a merger is reached? (Q11.4)</p>	<p><i>The right to be heard and present evidence concerns the possibility of showing that the merger does not have anticompetitive effects and that it should be cleared.</i></p>	<p>yes/no</p>
<p>Q11.5 Does your competition agency publish procedural guidelines or public documents explaining its investigative procedures? (Q11.5)</p>		<p>yes/no</p>

Questions	Definitions/instructions	Answers
Q11.6 Does your competition agency publish guidelines that explain how abuses of dominance are assessed? (Q11.6)	<p><i>For EU member states: if you do not publish your own administrative guidelines, but you rely on the EU ones, you should answer yes only if you have explicitly adopted the EU guidelines or if you explicitly refer to them in your legislation, so that it is clear to businesses and their legal advisers that the EU guidelines do not apply just to the EU Commission when it examines a case but also to your competition agency.</i></p> <p><i>These guidelines can be: 1) in administrative systems, guidelines issued by competition agencies, or 2) in court-based systems, interpretive guidelines, issued by the competition agency that supplement the guidance of court decisions.</i></p>	yes/no
Q11.7 Does your competition agency publish guidelines that explain how horizontal agreements are assessed? (Q11.7)		yes/no
Q11.8 Does your competition agency publish guidelines that explain how vertical agreements are assessed? (Q11.8)		yes/no
Q11.9 Does your competition agency publish guidelines that explain how mergers are assessed? (Q11.9)		yes/no
Q11.10 Are there published administrative guidelines that explain how monetary sanctions for antitrust infringements are set by your competition agency, or recommended by it to the court? (Q11.10)		yes/no

SECTION 12. PRIVATE ENFORCEMENT

Questions	Definitions/instructions	Answers
<p><i>In some systems legal action to seek damages can be brought only after the firm has been found guilty of the antitrust infringement, while in others a previous infringement finding is not necessary. Further, in some legal systems the decision on the antitrust infringement is legally binding for the courts deciding on whether to award damages, while in others it is not. The questions below are rather broad and encompass all these possibilities. They are aimed at understanding whether some form of private enforcement is available to individuals and firms.</i></p>		
<p>Q12.1 Can individuals bring a legal action to seek damages from firms that have committed an antitrust infringement? (Q12.1)</p>	<p><i>In Q12.1 we only refer to individuals directly affected by the antitrust infringement.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q12.2 Can firms bring a legal action to seek damages from firms that have committed an antitrust infringement? (Q12.2)</p>	<p><i>In Q12.2 we only refer to firms directly affected by the antitrust infringement.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>
<p>Q12.3 Can a group of consumers (either collectively or through a consumer association) bring a legal action to seek damages from firms that have committed an antitrust infringement? (Q12.3)</p>	<p><i>Q10.3 aims at understanding whether consumers can group together to have greater strength and to share costs and risks in defending their case against firms that have allegedly violated antitrust laws and caused them a damage rather than having to go ahead with individual legal actions. Hence the answer should be yes if 1) representative actions are possible, which are brought by a consumer association or a representative body on behalf of a group of affected consumers and 2) collective actions are possible, which are brought collectively by a group of affected consumers.</i></p>	<p>yes, for all antitrust infringements / yes, but only for some antitrust infringements / no</p>