

# Cartels

## Enforcement, Appeals & Damages Actions

Fourth Edition

## CONTENTS

<b>Preface</b>	Nigel Parr & Euan Burrows, <i>Ashurst LLP</i>	
<b>Australia</b>	Sharon Henrick, Wayne Leach & Peta Stevenson, <i>King &amp; Wood Mallesons</i>	1
<b>Austria</b>	Dr Florian Neumayr, Dr Heinrich Kühnert & Gerhard Fussenegger, <i>bpv Hügel Rechtsanwälte</i>	16
<b>Brazil</b>	Ricardo Inglez de Souza, <i>Inglez, Werneck, Ramos, Cury &amp; Françolin Advogados</i>	27
<b>Canada</b>	Randall J. Hofley, Mark Morrison & Dustin B. Kenall, <i>Blake, Cassels &amp; Graydon LLP</i>	38
<b>China</b>	Zhan Hao, <i>AnJie Law Firm</i>	54
<b>Croatia</b>	Tarja Krehić, <i>Law Office Krehic</i>	67
<b>Cyprus</b>	Maria Ch. Kyriacou, <i>Christodoulos G. Vassiliades &amp; Co. LLC</i>	79
<b>Denmark</b>	Olaf Koktvedgaard, <i>Bruun &amp; Hjejle</i>	90
<b>European Union</b>	Euan Burrows, Irene Antypas and Ruth Allen, <i>Ashurst LLP</i>	98
<b>Finland</b>	Ilkka Aalto-Setälä & Eeva-Riitta Siivonen, <i>Borenius Attorneys Ltd</i>	124
<b>France</b>	Bastien Thomas, <i>Racine</i>	133
<b>Germany</b>	Dr Ulrich Schnelle & Dr Volker Soyecz, <i>Haver &amp; Mailänder</i>	144
<b>Indonesia</b>	Anang Triyono, Rinjani Indah Lestari & Ben Clanchy, <i>Makarim &amp; Taira S.</i>	157
<b>Japan</b>	Catherine E. Palmer, Daiske Yoshida & Hiroki Kobayashi, <i>Latham &amp; Watkins</i>	168
<b>Malta</b>	Ron Galea Cavallazzi & Lisa Abela, <i>Camilleri Preziosi</i>	179
<b>Norway</b>	Kristin Hjelmås Valla & Henrik Svane, <i>Kvale Advokatfirma DA</i>	187
<b>Poland</b>	Iwona Terlecka, Bartosz Targański & Patrycja Szot, <i>CLIFFORD CHANCE Warsaw</i>	201
<b>Portugal</b>	Nuno Ruiz & Ricardo Filipe Costa, <i>Vieira de Almeida &amp; Associados</i>	211
<b>Romania</b>	Silviu Stoica & Mihaela Ion, <i>Popovici Nițu Stoica &amp; Asociații</i>	220
<b>Russia</b>	Anastasia Astashkevich, <i>Bureau of Attorneys Astashkevich and partners</i>	233
<b>Serbia</b>	Raško Radovanović, <i>Petrikic &amp; Partneri AOD</i> <i>in cooperation with CMS Reich-Rohrwig Hainz</i>	242
<b>Singapore</b>	Mark Tan & Nicole Teo, <i>Rodyk &amp; Davidson LLP</i>	252
<b>Spain</b>	Antonio Guerra Fernández & Patricia Vidal Martínez, <i>Uria Menéndez</i>	265
<b>Sweden</b>	Peter Forsberg & Xandra Carlsson, <i>Hannes Snellman Attorneys Ltd</i>	276
<b>Switzerland</b>	Martin Ammann, Christophe Rapin & Renato Bucher, <i>Meyerlustenberger Lachenal</i>	286
<b>Taiwan</b>	Stephen Wu, Rebecca Hsiao & Wei-Han Wu, <i>Lee and Li, Attorneys-at-Law</i>	307
<b>Turkey</b>	Gönenc Gürkaynak & Ayşe Güner, <i>ELIG, Attorneys-at-Law</i>	318
<b>Ukraine</b>	Sergiy Oberkovych, <i>GOLAW Law Firm</i>	330
<b>United Kingdom</b>	Giles Warrington & Tim Riisager, <i>Pinsent Masons LLP</i>	341
<b>USA</b>	Colin Kass & Scott M. Abeles, <i>Proskauer</i>	352

# Finland

Ilkka Aalto-Setälä & Eeva-Riitta Siivonen  
Borenus Attorneys Ltd

## Overview of the law and enforcement regime relating to cartels

### Legislation

Cartel prohibition is based on both national statutory law and EU law. On the national level cartels are prohibited in the Competition Act (*Kilpailulaki* 948/2011). On the EU level, Article 101 of TFEU prohibits cartels. The cartel prohibition in the Finnish Competition Act is of administrative nature and the law does not prescribe any criminal sanctions to undertakings or individuals.

There have been some major changes in Finnish competition legislation in the past ten years. In 2004, the Finnish competition legislation of the time was harmonised with EU legislation (current Articles 101 and 102 of the TFEU). In 2011 the former competition act, the Act on Competition Restrictions (*Laki kilpailunrajoituksista* 480/1992) was repealed and the current Competition Act entered into force. The purpose of the Competition Act is to protect sound and effective economic competition from harmful restrictive practices.

Section 5 of the Competition Act provides that “[a]ll agreements between business undertakings, decisions by associations of business undertakings and concerted practices by business undertakings which have as their object the significant prevention, restriction or distortion of competition or which result in the prevention, restriction or distortion of competition shall be prohibited”. In addition to the general prohibition on anti-competitive contracts, an example list of agreements, decisions and practises that are always deemed to be especially anti-competitive is provided. The example list is in line with Art. 101 of TFEU and prohibits for instance direct and indirect price fixing, and limiting or controlling production, markets, technical development or investment.

In Sections 8-11 of the Competition Act, the Finnish Competition and Consumer Authority (“the FCCA”, *Kilpailu-ja kuluttajavirasto*) has been given jurisdiction to 1) prohibit the implementation of a restraint on competition; 2) order a competition restriction to be terminated and obligate an undertaking to deliver a product to another with non-discriminatory conditions; 3) impose commitments to be binding on undertakings or associations; and 4) withdraw the application of a block exemption regarding an undertaking.

An undertaking or an association of undertakings is obliged to compensate damages caused by a cartel as provided in Section 20 of the Competition Act. Actions for cartel-based damages are brought before civil courts. In practice, the existence of a cartel is firstly evaluated in an administrative process by the FCCA, which is followed by court processes in the Market Court and possibly in the Supreme Administrative Court, and the damages are thereafter evaluated in a separate civil court process. In general, the right to claim damages expires at ten years of the date on which the violation ended. There may also be other grounds for compensating damages than those provided in the Competition Act.

### Main bodies responsible for investigation, prosecution, decision-making and imposing sanctions

The FCCA is the main investigative authority regarding cartels in Finland. Section 41 of the Competition Act provides that, in addition to the FCCA, the Regional State Administrative Agencies (*Aluehallintovirasto*) shall investigate competitive conditions and restraints on competition, and with the FCCA's authorisation, take other measures to promote competition within their region. The role of the Regional Administrative Agencies has been insignificant in competition law-related investigations and it has been limited to conducting some minor measures regionally.

The FCCA does not have the power to impose competition infringement-related sanctions to undertakings. The FCCA is, however, the only authority that has the right to propose a penalty payment to be imposed to an undertaking. The Market Court renders the actual decision on a penalty payment, and the payment is made to the Finnish State. Regardless of the important role of the FCCA as an investigative authority, the Market Court is not bound to the FCCA's proposals and considers competition matters independently.

A judgment of the Market Court can be appealed to the Supreme Administrative Court as enacted in the Administrative Judicial Procedure Act. The Supreme Administrative Court's judgment is the final decision on the matter. As there are only a few cartel cases in the history of Finnish competition law, cartel cases are usually appealed to every instance.

Damage claims are handled in civil courts; such claims could, thus, be handled in three instances as infringement claims are handled in only two instances. The process of handling damage claims is a separate legal process from the administrative process. In the civil process the courts shall, *inter alia*, rule on a cartel victim's right to claim damages and the possible and proper amount of damages to be paid by the undertakings that have been involved in a cartel.

### Sanctions

The Market Court may impose, on the proposal of the FCCA, a penalty payment for an undertaking or association of undertakings infringing provisions of Sections 5 or 7 of the Competition Act or Art 101 or 102 of TFEU. The maximum amount of a penalty payment is 10% of an infringing undertaking's or association of undertakings' annual turnover.

The Market Court may also impose, either on the proposal of the FCCA or on its own proposal, a periodic penalty payment to an undertaking or association of undertakings to enforce a condition set, or an order, prohibition, or obligation issued by the FCCA. The amount of a periodic penalty payment is not enacted in the Competition Act. A periodic penalty payment may not be imposed to a natural person.

## **Overview of investigative powers in Finland**

The FCCA can investigate competition restrictions either on its own initiative or in response to a request for action. A competitor or any other legal or natural person can make a request for action on the FCCA's website or through other means. During past years the initiative to cartel investigations has generally been triggered through tipoffs, but also the FCCA's own operation has revealed anticompetitive behaviour.

The FCCA can obtain information on the alleged anti-competitive behaviour through inspections (usually referred to as dawn raids). Inspections on all premises are carried out by the officials of the FCCA or by the Regional State Administrative Agencies. The officials can also authorise other persons to participate in the inspections. If needed, the police may provide executive assistance during the inspections. Inspections can also be carried out by the European Commission.

The inspections in business premises are subject to an authorisation from the head of the FCCA and, for inspections other than in business premises, the FCCA and Regional State Administrative Agencies shall have an authorisation from the Market Court.

Dawn raids can be targeted to business premises, storage facilities, land and means of transport controlled by an undertaking. The officials of the FCCA and the Regional Administrative Agencies shall also gain access to other premises (e.g. homes of a management of a company) if there is a justified reason to suspect that e.g. bookkeeping or other documents related to the business are held in such premises and the documents are of material relevance to the investigation of the alleged competition infringement.

During inspections, the officials of the FCCA shall be permitted to assess business correspondence, bookkeeping, computer files and other relevant data and to take copies of documents under investigation. The FCCA may also utilise special search software to investigate the content of computers. Since 2015, the FCCA has the right to obtain information from outsourced services, such as business information stored into external service providers' servers and cloud services.

The FCCA may seal business premises or data if it is necessary to secure the execution of the inspection. The personnel can also be interviewed during inspections, and the authorities are allowed to record the interviews.

When conducting an inspection in other premises than business premises, the FCCA can enter the premises, examine materials and take copies. In other than business premises, the FCCA is not allowed to seal the premises or request explanations or make records during inspection.

The undertaking under investigation has the right to have a legal representative present during an investigation but the presence of the representative is not a precondition for the execution of an investigation.

An undertaking or association of undertakings is obliged to submit, on a request of the FCCA, all the relevant information and documentation needed for the investigation of a competition restraint to the FCCA or to the Regional Administrative Agencies. The FCCA has the right to hear a representative of an undertaking or association of undertakings, or another person if there is a justified reason to suspect that a representative or a person has been involved in the execution of a cartel. The hearings are generally recorded.

### **Overview of cartel enforcement activity during the last 12 months**

During 2015, the Market Court or the Supreme Administrative Court has not given decisions on cartels and the FCCA has submitted only one penalty payment proposal. The submission concerned a suspected anti-competitive behaviour of a trade association. The FCCA gave also decisions not to investigate alleged cartels. The decisions concerned alleged cartels in the regional taxi market and in the market of sign language interpretation.

### **Key issues in relation to enforcement policy**

The FCCA prioritises cases brought to its attention and it has, thus, no legal duty to act on every request for action. A case shall not be investigated if it is likely that no competition restriction has taken place, competition in the relevant market is considered functional even though a competition restriction has taken place, or the request for action is manifestly unjustified. The FCCA has held that the prioritisation norm has been successful and enabled the FCCA to intervene with hard-core competition restraints.

The FCCA's strategic focus is to intervene with harmful market behaviour, which can relate to, *inter alia*, cartels, abuse of dominant position, and concentrations. As cartels usually endanger effective competition in the market without exception, it is unlikely that the FCCA would deprioritise a cartel investigation in Finland. As the case law illustrates, the FCCA usually intervenes with cartels even though they may be smaller in their scope.

The FCCA has not concentrated its investigative measures on any specific key sectors. The recent cartel enforcement judgments have been in the field of industry, for instance, the raw wood cartel, the asphalt cartel and the alleged power line manufacturing cartel. The recent investigations of the FCCA show that also alleged smaller-scale infringements, which include hard-core restrictions like cartels, are monitored and intervened.

## **Key issues in relation to investigation and decision-making procedures**

### Investigation procedure

An undertaking or association of undertakings are obliged to provide all the relevant information on request to the FCCA. An undertaking has a duty to give all such information and documents that are needed to investigate the content, purpose and impact of a competition restraint and to assess a concentration.

An undertaking under inspection has the right to defence and to be heard. An undertaking is to be informed of its position in the investigation and the inspected infringement. In practice, an undertaking is to be informed at the earliest possible stage on what infringement it is accused of and what its status is in the investigation. An undertaking has the right to receive information from the documents concerning the investigation and on the phase of the proceedings insofar as it cannot harm the investigation in the matter. The information the FCCA has obtained during its investigation shall be utilised only for the purposes for which it has been gathered (unless the FCCA has initiated another investigation).

The FCCA shall not force an undertaking or association of undertakings to confess an infringement violating the Competition Act.

An undertaking under investigation has the right to keep legally privileged documents (confidential correspondence between an external legal consultant and the undertaking) confidential.

An undertaking under investigation has the right to be heard before a proposal on penalty payment is submitted to the Market Court. The "statement of objections" procedure was introduced in 2011. In practice, it is unlikely that an undertaking's comments on the FCCA's proposal have a significant influence on the FCCA's evaluation but at least the undertakings have the possibility to correct possible misleading information and to safeguard the secrecy of their business secrets.

### Decision-making procedure

There is a separate cartel unit at the FCCA which concentrates on the investigation of hard-core cartels and assessing leniency applications. The unit develops also the FCCA's investigation procedures.

When deciding whether an undertaking or association of undertakings has been involved in a cartel, the FCCA analyses evidence gathered during inspections. The evidence could be, for instance, financial statements, bookkeeping, IT devices, or other documents and data that could be of particular relevance in stating a cartel has taken place. The FCCA may hear representatives of an undertaking under investigation. The FCCA also utilises information and documentation provided by leniency applicants in its decision-making.

The Competition Act does not provide any time frames during which a cartel investigation or a proposal for penalty payment shall be made. The procedures are generally long (may last for several years) but the FCCA has been focusing on shortening its processing times.

Even though the FCCA is the main investigative authority regarding anti-competitive behaviour, it is not entitled to impose any sanctions on undertakings or associations of undertakings. Only the Market Court and the Supreme Administrative Court have jurisdiction to impose penalty payments and periodic penalty payments regarding cartels and other competition infringements. On the other hand, the Market Court may impose a penalty payment only on the basis of the FCCA's penalty payment proposal.

The right to appeal is enacted in Section 44 of the Competition Act. Only the undertakings to whom the decision is addressed or whose rights, obligations or interests are directly affected by a decision can appeal. In general, a competitor is not able to appeal on the FCCA's cartel decision because the decision is not addressed to it. Also only the final decisions of the FCCA are subject to appeal.

The Act on Openness of Government Activities (*julkisuuslaki*, 621/1999) applies to the documentation utilised in the FCCA's investigation and the written statements of the parties during court proceedings. The documentation shall, however, not be publicised before the investigation has officially ended and as long as it could jeopardise the investigation or the handling of the case. In addition, business secrets are held confidential throughout the FCCA's investigation, the court proceedings and even afterwards as long as the information is relevant (e.g. pricing information of the year 2014 can be held confidential during that year and possibly also the next, but the information can no longer be held relevant from the point of view of an undertaking's business secrets in 2020).

### The penalty payment

A penalty payment can amount to a maximum of 10% of an undertaking's or association of undertakings' annual turnover. Under the FCCA's guidelines, penalty payments are targeted to reach two aims. On the one hand, a penalty payment shall be of punitive nature, and punish undertakings that have breached the competition norms. On the other hand, imposing a penalty payment should effectively hinder an undertaking's or association of undertakings' consideration of getting involved in a cartel or from renewing any anti-competitive behaviour on the market. Penalty payments are regarded to have a general preventive purpose and an individual preventive purpose.

When the FCCA assesses the proper amount of a penalty payment it takes into account all the relevant aspects on the subject matter. The nature, extent, degree of gravity, degree of participation, renewal and measures to end the infringement are taken into account when the FCCA makes its proposal to the Market Court on the right amount of the penalty payment. The FCCA can mitigate and adjust the amount of penalty payment in cartel and in other competition restriction cases by case-by-case analysis. In practice, the Market Court has wide discretion in assessing the amount. In certain circumstances the Market Court may also decide not to impose a penalty payment even if an undertaking was held to have infringed competition laws. Under the Administrative Judicial Procedure Act, the Market Court is entitled to reduce or even withdraw a penalty payment if the administrative and investigation process of the FCCA has been delayed and an undertaking's right to access to justice has been infringed.

A penalty payment may also be imposed on an undertaking or association of undertakings to whom a business activity involved in the infringement has been transferred due to a transaction.

## Leniency regime

The leniency procedure enables the first undertaking or association to reveal a cartel to obtain full immunity from penalty payment. Granting full leniency requires that an undertaking submits an application for leniency to the FCCA and provides the FCCA new information on a cartel. Information provided by the applicant must present sufficient grounds for the FCCA to conduct a dawn raid or, after an executed dawn raid, present such evidence which enables the FCCA to state that a cartel has taken place. Regardless of granted leniency, the undertaking subject to leniency may later be obliged to compensate damages caused by the cartel.

In addition to the criteria relating to the quality of information, certain behavioural commitments may be demanded from a leniency applicant. To obtain leniency, the applicant shall immediately end its participation in the cartel. It shall also co-operate with the FCCA through the whole investigation and provide additional information when necessary. The applicant shall not destroy any evidence before or after the delivery of its leniency application. Finally, the applicant shall keep the submission of its leniency application confidential.

The FCCA grants conditional leniency to an applicant until the investigation has been finished. The final decision on full or conditional leniency is concluded at the end of the investigation.

Leniency can be either full or partial. The first leniency applicant to provide sufficient information to the FCCA obtains full immunity. Any possible succeeding applicants with new information may be granted partial leniency. The second, third and fourth undertakings or associations to unveil a cartel may obtain rebates amounting to 30-50% (to the second applicant), 20-30% (to the third applicant) and a maximum of 20% of a penalty payment (to the fourth applicant). The criteria to submit information and other behavioural obligations apply to both partial and full leniency. Consequently, the Finnish leniency policy is in line with that of the European Commission.

There is no defined form for an application for leniency. However, it is essential that the moment of the provision of information to the FCCA can be determined in order for it to define the order of priority in granting leniency. Therefore, an application should be delivered either in person (by a representative of the undertaking or an external counsel) or electronically to the FCCA.

The leniency regime is applied occasionally in Finland. In 2014 Empower Ltd revealed a cartel in the power line market and was granted immunity from the penalty payment. In the spare part cartel of 2009, Arwidson Ltd acted as a whistle-blower and was not imposed with a penalty payment by the FCCA.

One of the biggest Finnish cartels, the asphalt cartel, was revealed without any of the cartel members coming forward. The FCCA-initiated investigation was based on tip-offs.

## Administrative settlement of cases

The Competition Act does not entitle the FCCA to enter into a settlement with an undertaking. According to the preparatory works of the Competition Act, such procedures would not offer substantial benefits for handling infringement cases and would not fit well into the existing legal framework or the Finnish legal tradition.

## Third party complaints

In addition to leniency applications, third parties may also reveal a cartel to the FCCA. In principle, anyone can make a request for action to the FCCA or unofficially tip off the FCCA.

A private person would, however, not benefit directly from making a request for action as there is no threat of competition law sanctions for private individuals. Moreover, an official tip-off does not necessarily lead to the initiation of an investigation, as it is at the FCCA's discretion to decide whether or not to open an official investigation.

### **Civil penalties and sanctions**

The main penalty for breaching the Competition Act is the administrative sanction of penalty payment which is imposed by the Market Court. Apart from penalty payments and despite granting leniency, a member of a cartel may be ordered to pay damages caused by a cartel to cartel victims. The only sanction that could be passed in the civil process is this duty to pay damages to cartel victims. The Finnish legal system differs from some other jurisdictions in which a criminal sentence is also possible as a result of a competition law infringement.

Damage claims are brought before civil courts and usually handled after the administrative process has ended. The district courts are reluctant to evaluate whether a cartel has taken place as they are not specified in competition matters. If a damage claim is exceptionally filed in a district court before an administrative investigation on the matter has been finalised, it is likely that the court delays its ruling until the FCCA has conducted its investigations and (at least) the Market Court has ruled on the case.

### **Right of appeal against civil liability and penalties**

As damage claims are brought before civil courts, they can ultimately be handled in three instances; first in the district court, and thereafter appealed to the Court of Appeal and the Supreme Court. Usually the administrative process takes place before the damage claim process, which means that cartel-related proceedings can take up to several years.

### **Criminal sanctions**

Cartels are not criminalised in Finland. There has, however, been discussion on the criminalisation of cartels and two reports on the issue have been published in spring 2014.

### **Cross-border issues**

The ECN (the European Competition Network) consists of the European Commission and the competition authorities in the Member States. The FCCA as the national competition authority is part of the ECN. The FCCA also co-operates actively with the other competition authorities in the Nordic countries and the OECD (Organization for Economic Cooperation and Development).

Participating in international co-operation enables the FCCA to provide and receive executive assistance in relation to competition restriction investigations. According to the FCCA's website, the FCCA handles annually several competition matters that have a cross-border element. In addition, the FCCA participates in *ca.* 50 international working groups' activities.

### **Developments in private enforcement of antitrust laws**

There are three significant legally valid cartel decisions given by either the Market Court or the Supreme Administrative Court in the past years: the raw wood cartel judgment; the asphalt cartel judgment; and the spare part cartel judgment.

However, the question relating to private enforcement of cartels is not yet very developed

in Finland. In the asphalt cartel case, the Helsinki District Court's judgment covered over 140 damage claims. The Court ruled that most of the claimants were entitled to claim damages but dismissed, for instance, the damage claims of the Finnish State, as the State was considered to have known of the cartel. The Court developed important interpretations on the applicable compensation norms, the general statutory limitation norms and the distribution of liability of undertakings which have ceased their operations.

In the raw wood cartel case, over 600 cartel victims have filed claims for damages. The district court as the court of first instance dismissed in total 13 damage claims in March 2014 as they were considered to fall under the statute of limitations. In November 2014 the Helsinki Court of Appeal held that the cartel victim's right for compensation had in fact not expired. The Helsinki Court of Appeal stated in its recent decision that the statute of limitations period had begun only after the Market Court's cartel judgment had become legally valid on 4 January 2010, whereas the Helsinki District Court had interpreted that the statute of limitations period had commenced when the FCCA published its news release on 25 May 2004. The matter was, thus, returned to the Helsinki District Court which is expected to rule on the main legal question on whether a forest owner is entitled to compensation for damages caused by the cartel.

In the spare part cartel case, the damage claims against the leniency receiver Arwidson Ltd were rejected. The Court ruled that Arwidson's participation in the cartel lasted only an insignificant period and there was no causal link between the caused damages of the cartel and Arwidson's conduct in the market. As the case has been appealed to the Appeal Court, the judgment is not yet legally valid.

The concept of private enforcement regarding competition infringements remains open for discussion because the damage claims are follow-on cases, and they have been handled only in the first instance. The Supreme Court will rule on cartel-based damages in the future. Another issue regarding these damage claims is that the mentioned cartels have existed before the adoption of the Competition Act and the courts have applied, among other legal grounds, the legal provisions of the repealed Competition Restriction Act to the damage claims. The Competition Restriction Act entitled only undertakings to claim damages arisen from competition restraints. As the Competition Act does not set restrictions on the party which can claim damages for competition restriction, the legal protection of cartel victims is now wider than before. The upcoming rulings of courts of second and third instance in the mentioned cartel cases shall determine whether the victims of the cartels, who are not undertakings, have right to claim damages pursuant to the Competition Restriction Act. This case law will, however, not have significant impact on rulings concerning cartels which have existed during the Competition Act due to the different definition of cartel victims in the two pieces of legislation.

## **Reform proposals**

The Ministry of Employment and the Economy has appointed a working group to investigate a reform of the Finnish Competition Act. The matters to be examined include, among other issues, legal security regarding the amount of fines companies are ordered to pay in relation to competition law infringements, the possibility to challenge the legality of a dawn raid decision, and the possibility for the FCCA to prevent a company suspected of participating in a cartel from carrying on in business, or to order structural changes in the market in order to restore functioning competition. The working group's term of office ends in spring 2017.

**Ilkka Aalto-Setälä****Tel: +358 20 713 3545 / Email: [ilkka.aalto-setala@borenium.com](mailto:ilkka.aalto-setala@borenium.com)**

Ilkka Aalto-Setälä has worked over 20 years with antitrust and merger control matters. Ilkka has defended successfully the client against the Finnish Competition Authority's first attempt (Digita/Yle/Telia) to prohibit the deal. Ilkka advises companies and governmental agencies on competition and marketing law issues at national and EU level, including merger control, abuse of dominant position, cartels, state aid and public procurement. Ilkka also litigates on a regular basis before the Finnish Market Court and the European Commission.

Ilkka has advised numerous domestic and foreign clients on M&A transactions and cooperation arrangements. Important authority bodies, such as the National Emergency Supply Agency, have also been among his clients. Ilkka is currently a member of the working group investigating changes to the current Competition Act which came into force in November 2011. The Ministry of Employment and Economy appointed the working group on 28 August 2015.

**Eeva-Riitta Siivonen****Tel: +358 20 713 3294 / Email: [eeva-riitta.siivonen@borenium.com](mailto:eeva-riitta.siivonen@borenium.com)**

Eeva-Riitta advises clients on public procurement, competition law, state aid and public law related matters. Eeva-Riitta is specialised in public procurement law, and has completed a post-graduate LL.M. degree on Public Procurement Law and Policy at the University of Nottingham.

Before graduating from the University of Turku and joining Borenium as a Lawyer, Eeva-Riitta worked as a Trainee at Borenium and as a thesis trainee in a defence and security technology company. She has also gained working experience from an insurance company.

## Borenium Attorneys Ltd

Eteläesplanadi 2, 00130 Helsinki, Finland

Tel: +358 9 615 333 / Fax: +358 9 6153 3499 / URL: <http://www.borenium.com>

Other titles in the *Global Legal Insights* series include:

- Banking Regulation
- Bribery & Corruption
- Commercial Real Estate
- Corporate Tax
- Employment & Labour Law
- Energy
- International Arbitration
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions

Strategic partners:



[www.globallegalinsights.com](http://www.globallegalinsights.com)