

18 June 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

### Official Information Act #20.095 – Cartel cases

1. We refer to your request received on 26 October 2020 for information about the Commerce Commission's (**Commission**) leniency programme. Specifically, you asked for the following information:
  - 1.1 the number of leniency applications that the Commission has received during the period from 2000 to 2020; and
  - 1.2 details about those leniency applications.
2. On 17 November 2020, we contacted you to clarify the scope of your request. On 23 November 2020, you advised that you are seeking the following information:
  - 2.1 the number of leniency applications received per year during the period from 2000 to 2020;
  - 2.2 the outcome of those leniency applications; and
  - 2.3 the area of each of those leniency applications.
3. On 19 November 2020, the Commission extended the time limit by which we must make a decision on your request to 21 December 2020.
4. On 17 December 2020, we communicated our decision to grant your request and advised that we would provide the information without undue delay.

### Our response

5. The information falling within the scope of your request set out at [2.1]-[2.2] is contained in **Appendix A** of this letter.

6. As previously advised in our letter of 17 December 2020, we have provided some of the information you requested in a different format, for the following reasons:
  - 6.1 this information, when provided in combination with the other information you have requested, amounts to information that is subject to an obligation of confidence. Making the information available in the way you have requested would be likely to prejudice the supply of similar information in future, and it is in the public interest that such information continue to be supplied (section 9(2)(ba)(i) of the OIA); and
  - 6.2 withholding the provision of the information in the way you have requested is not outweighed by other considerations which render it desirable, in the public interest, to make that information available (section 9(1) of the OIA).
7. We have provided you with information in response to your request as set out at [2.3] in a different format to that which you have requested. This information has been separated from the information provided under [2.1] and [2.2] in order to ensure confidentiality over the combined information can be maintained.
8. We have provided information in relation to your request at [2.3] at **Appendix B** of this letter. We have used the New Zealand Standard Industry Output Categories (NZSIOC) to categorise the relevant industries.<sup>1</sup>
9. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
10. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
11. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely



Alexandra Murray  
OIA Coordinator

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<sup>1</sup><http://aria.stats.govt.nz/aria/#ClassificationView:uri=http://stats.govt.nz/cms/ClassificationVersion/CARS585>

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<b>Appendix A</b>			
<b>Year</b>	<b>Outcome of leniency application</b>		<b>Total</b>
<b>2004</b>	Granted:	4	4
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2005</b>	Granted:	0	0
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2006</b>	Granted:	2	3
	Co-operation granted:	0	
	Declined:	1	
	Withdrawn:	0	
<b>2007</b>	Granted:	1	1
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2008</b>	Granted:	2	2
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2009</b>	Granted:	4	5
	Co-operation granted:	0	
	Declined:	1	
	Withdrawn:	0	
<b>2010</b>	Granted:	1	3
	Co-operation granted:	0	
	Declined:	2	

	Withdrawn:	0	
<b>2011</b>	Granted:	1	2
	Co-operation granted:	0	
	Declined:	1	
	Withdrawn:	0	
<b>2012</b>	Granted:	5	5
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2013</b>	Granted:	5	9
	Co-operation granted:	2	
	Declined:	2	
	Withdrawn:	0	
<b>2014</b>	Granted:	2	5
	Co-operation granted:	2	
	Declined:	1	
	Withdrawn:	0	
<b>2015</b>	Granted:	1	3
	Co-operation granted:	0	
	Declined:	2	
	Withdrawn:	0	
<b>2016</b>	Granted:	4	5
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	1	
<b>2017</b>	Granted:	3	4
	Co-operation granted:	0	
	Declined:	1	
	Withdrawn:	0	
<b>2018</b>	Granted:	6	6
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2019</b>	Granted:	6	6

	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>2020</b>	Granted:	6	7
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	1	
<b>2021<sup>2</sup></b>	Granted:	1	1
	Co-operation granted:	0	
	Declined:	0	
	Withdrawn:	0	
<b>Total:</b>			<b>71</b>

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<sup>2</sup> As at 1 April 2021.

<b>Appendix B – Industry/sectors</b>	
<b>Industry/sector</b>	<b>Number of applications</b>
AA1 – Agriculture	4
BB1 – Mining	1
CC3 – Wood and Paper Products Manufacturing	3
CC5 - Petroleum, Chemical, Polymer and Rubber Product Manufacturing	1
CC8 - Transport Equipment, Machinery and Equipment Manufacturing	4
CC9 - Furniture and other manufacturing	1
DD1 - Electricity, Gas, Water and Waste Services	7
EE1 - Construction	7
FF1 - Wholesale Trade	3
GH1 - Retail Trade	9
II1 - Transport, Postal and Warehousing	18
KK1 - Financial and Insurance Services	7
LL1 - Rental, Hiring and Real Estate Services	1
MN2 – Administrative and Support Services	1
QQ1 - Health Care and Social Assistance	1
RS1 - Arts and Recreation Services	1
RS2 - Other Services	2
<b>Total:</b>	<b>71</b>