



The EU investigative procedures

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Prioritisation

Senior Management decides on priority for AT and C case early in the process

All merger notifications are dealt with, but 'simplified procedure' for simple cases

Internal checks and balances

At all stages of procedures, a multitude of internal checks and balances exists, such as

- Managerial review outside chain of command
 - Case support and coordination
 - Chief Economist
- Institutional review:
 - Panel
 - Legal Service (reporting to President of Commission)
 - Hearing Officer (reporting to Competition Commissioner)
- Collegial Decision

Responding to criticisms

More detailed legislation

- Regulation 1/2003 and Procedural Regulation 773/2004
- Hearing Officer's Terms of Reference

Self-binding interpretative notices

- Best practices notice
- Guidance on enforcement priorities for abuse cases
- Guidelines on fines
- Notice on access to file
- ...

Judicial Review

Increased scrutiny of European Court

- General Court: full review of evidence-facts, theory of harm, fines, rights of defence...
- Court of Justice: limited to review of law

Increased willingness to challenge Commission decisions:

- Inspection decisions, implementing acts
- But settlement and cooperation procedures



Thank you

Questions?

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