



European Commission

Competition

**CRA Conference “Economic developments in European competition policy”
Brussels**

9 December 2009

Due process in antitrust

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The EU administrative enforcement system

- European Commission: the EU competition authority
- Investigates and adopts decisions under the EU competition rules, subject to judicial control by the European courts
- Complies with due process



Advantages of the system

- Build up of knowledge and expertise in sector – for instance through sector inquiries
- Privileged position for pursuing competition advocacy – ensuring competition objectives are incorporated into regulation
- Support for investigations provided by expert economic advice and analysis



Safeguards in the system

- DG Competition investigates – the College of Commissioners decides
- Internal and external safeguards provided by the Legal Service, the Hearing Officers, the Advisory Committee, Peer review panels, other Commission services
- Crucially, appeals against Commission decisions are brought to the Court of First Instance



The rights of companies under investigation

- Rights of companies under investigation in infringement proceedings:
to receive an SO; access to file; right to be heard; right to receive a reasoned decision
- Rights in commitments proceedings



The role of third parties

- Competition policy focus is on eliminating consumer harm, not harm to competitors
- But third party complainants have a role – and certain rights under our complaints procedures