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Best practices in antitrust proceedings

The Danish Bar and Law Society welcomes the initiative of defining best practices in antitrust proceedings.

Enhancing the transparency of proceedings is an important aspect of safeguarding the procedural rights of the parties and ensuring a fair process.

Being involved in antitrust proceedings is generally very onerous. It is therefore essential that the parties get to know their position as soon as possible. In the view of the Danish Bar and Law Society, antitrust proceedings are at times unduly lengthy. While recognising the need and desire for a thorough investigative phase, the European Commission should always expedite cases with the urgency which legal certainty demands whilst at the same time preserving the rights of the parties.

It is positive that the European Commission provides guidance on the time limits for responding e.g. to requests for information. Preparing the defence or responding to requests may be very time-consuming and it is fundamental that parties are given adequate time to respond. In the view of the Danish Bar and Law Society, time limits imposed on the parties are at times fairly short. The European Commission should continue its well-balanced practice of extending time limits on request.

In the view of the Danish Bar and Law Society, the best practices are a positive contribution to the framework of antitrust procedure before the European Commission. The Danish Bar and Law Society would in closing express its hope for a renewed discussion of more fundamental and general principles of the antitrust procedure, namely the legal rights of participants and the present amalgamation of decision-making and investigative powers.

Yours sincerely



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