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**The rationale and functioning of the European
Competition Network (ECN)**

Presentation

Ms. Camelia Grozea
Deputy Head
International Relations Unit
Directorate-General for Competition
European Commission

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The rationale and functioning of the European Competition Network (ECN)

Camelia GROZEA, Deputy Head of Unit, DG Competition



Overview

- The origins of the European Competition Network ('ECN')
- Case allocation within the ECN
- Consistency mechanisms in the ECN
- The ECN success story

The creation of the European Competition Network

Decentralisation of EU Competition law enforcement

Recital 15 of Regulation 1/2003:

“The Commission and the competition authorities of the Member States should form together a network of public authorities applying the [EU] competition rules in close cooperation.”



The relationship between EU Competition law and national competition law

- In the EU, EU competition law and national competition laws coexist.
- **Principle of direct effect**: NCAs and courts are obliged to apply Articles 101 and 102 and are precluded from deviating from the EU law outcome when considering agreements and practices that ‘may affect trade between Member States’
- **Convergence rule**: agreements which may affect trade between Member States and which are not prohibited under EU competition law cannot be prohibited under national competition law.

Case / work allocation within the ECN

- Obligation for EC and NCAs to notify each other as soon as they start an investigation. The aim:
 - Identification of cases
 - Efficient allocation of cases and resources
- Reallocation is rare.

The formal mechanisms to ensure consistency

- NCAs' must inform the Commission of their draft decisions before adoption.
- NCAs' have the possibility to consult the Commission at any stage.
- The Commission has the power to open proceedings and thereby 'take over' a case from a NCA.
- NCAs and EC have the power to exchange information and use it as evidence, including confidential information.

The ECN – a success story

- Close cooperation between the EC and the NCAs when applying EU competition law
- Consistent and effective application of EU competition law in individual cases
- Genuine network open to share enforcement experience and views in general
- Create and promote a common competition culture and coherent application of EU law
- The Commission (DG COMP) has a coordinating role.

Thank you

Questions?



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