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DUE PROCESS: IMPROVING ANTITRUST PROCEEDINGS

KEY MESSAGES

- 1 Procedural fairness in antitrust procedures contributes to vigorous and credible enforcement of competition law.
- 2 EU antitrust procedures need safeguards to ensure sound administration and decision-making and particularly to achieve increased separation of investigative and decisional powers.
- 3 Due process and sanctions are interconnected: the general raise in the level of fines should meet with an increase in procedural rights.

WHAT DOES BUSINESSEUROPE AIM FOR?

- *Ensure a higher level of procedural fairness: transparency and predictability of antitrust proceedings need to be further enhanced, not only to help protect the businesses involved but also to reinforce credible public enforcement.*
- *Better meet due process standards: within the current legislative setting, concrete measures could be adopted to lead to significantly decrease the risk of bias, in particular by achieving proper separation between different phases and responsibilities in the procedure.*
- *Match sanctions and safeguards: in recent years, there has been a general increase in the level of the fines: this should be accompanied by an improvement in the protection of the procedural rights of the parties. Alternative types of sanctions could also be considered.*

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KEY FACTS AND FIGURES
