

Public consultation on a proposal for a Directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market - ref: COM(2017) 142 final.

The Department of Jobs, Enterprise and Innovation is currently seeking views from interested parties on a proposal from the EU Commission for a Directive to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (also known as the ECN+ proposal).

Background

In 2013/2014, the EU Commission conducted an assessment of the functioning of the Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 (now 101) and 82 (now 102) of the Treaty. Based on the results of this analysis, the 2014 Commission's Communication on Ten Years of Council Regulation No 1/2003 found that there is scope for National Competition Authorities (NCAs) of the EU Member States to be more effective enforcers and identified a number of areas for action to boost effective enforcement by the NCAs, namely to guarantee that NCAs (1) have adequate resources and are sufficiently independent, (2) have an effective toolbox, (3) can impose effective fines and (4) have effective leniency programmes.

The Commission issued a proposal for a Directive on 22 March 2017. It is this proposed Directive that forms the subject matter of this consultation process. Details of the actual proposal and related EU Commission documents such as the accompanying Impact Assessment can be found at the following link: <http://ec.europa.eu/competition/antitrust/nca.html>

Aim of the proposal

The Directive aims to achieve the following specific objectives:

1. ensuring all NCAs have effective investigation and decision-making tools
2. ensuring that all NCAs are able to impose effective deterrent fines
3. ensuring that all NCAs have a well-designed leniency programme in place which facilitates applying for leniency in multiple jurisdictions, and
4. ensuring that NCAs have sufficient resources and can enforce the EU competition rules independently.

Consultation process on the proposed Regulations

The Department of Jobs, Enterprise and Innovation will be leading the negotiations at EU level on this proposal. Work at the EU Working Group on Competition is expected to commence shortly. Thus, observations are invited for submission no later than close of business on Friday, 26th May 2017.

Submissions should be marked “Consultation on a proposed Directive to empower the competition authorities” and can either be e-mailed to conspol@djei.ie or sent in hard copy to the following address:

Competition and Consumer Policy Section,
Department of Jobs, Enterprise and Innovation,
Earlsfort Centre,
Lower Hatch Street,
Dublin 2
D02PW01

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of Submissions

The Department may also decide to place any submissions received by it on the Department’s website in due course. A decision on any such placement may occur without prior consultation with respondents to this consultation process. Thus, it is in the interests of respondents to highlight, in their submissions, any commercially sensitive or confidential information which they would wish not to be disclosed at the time of submission.

Queries

Further information may be obtained by contacting Competition and Consumer Protection Section of the Department at the following contact points:

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