

EN
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Answer given by Ms Vestager
on behalf of the Commission
(21.9.2017)

The Commission already has the power to impose so-called interim measures. Such measures ensure that whilst an investigation is being carried out, no serious and irreparable damage is caused to competition that could not be remedied at the conclusion of the Commission procedure.

The power of the Commission to impose interim measures is set out in Article 8 of Council Regulation (EC) No. 1/2003¹. This article codifies the two conditions outlined by the Court of Justice of the European Union in its case law on interim measures². These two conditions are cumulative:

- a) there must be a prima facie finding of an infringement; and
- b) there must be an urgent need for protective measures due to the risk of serious and irreparable harm to competition.

The Commission recognises that the speed and timely nature of an intervention, if necessary, may be crucial in antitrust cases. For this reason, the Commission carefully analyses in each case whether the imposition of interim measures is appropriate. This analysis is based on Article 8 of Council Regulation (EC) No 1/2003, as well as on the case law of the Court of Justice on interim measures.

In addition, the Commission is particularly attentive to lessons that can be drawn from national competition authorities in the European Competition Network as regards the use of interim measures. The Commission will not hesitate to decide on interim measures in suitable cases.

EU citizens and businesses that have suffered damages as a consequence of an infringement of EU antitrust rules have a right to full compensation. Most Member States have by now implemented Directive 2014/104/EU on Antitrust Damages Actions³ into their national systems.

¹ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L1, 4.1.2003, p. 1.

² Case 792/79R, Camera Care v. Commission, Case T-44/90, La Cinq v Commission, Case T-184/01R, IMS Health Inc. v Commission.

³ Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringement of the competition law provisions of the Member States and of the European Union, OJ L 349, 5.12.2014, p. 1.