



Competition Enforcement in Europe

Between Effectiveness and Due Process

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Models of enforcement

- **Judicial model (Ireland, Austria)**
- **Mixed model (Sweden, Finland, Estonia)**
- **Administrative enforcement systems (majority of MS + EU)**
 - **Monist authorities** → no separation between investigation & decision (BG, CY, CZ, D, I, MT, NL, P, RO, SK, SLO, UK, EU)
 - **Dualist authorities** → separation between investigation & decision (B, F, L, E)
 - **Mixed systems** → incomplete separation (DK, GR, H, LV, LT)



Models of judicial review

■ Organs

- Specialist bodies
- Specialist tribunals
- Administrative courts
- Civil courts

■ Scope of judicial review

- Full review (opportunité & légalité)
- Limited review (legality)



Specificity of EU system

- **Monist model**
- **Political organ – no independent authority (e.g. ECO)**
- **No full review of the merits for injunctive decisions – unlimited review for punitive decisions**



Historical reasons for the EU specificity

- Centralised administration – hesitation to decentralise
- Economic nationalisms – perennial battle between the Community (now EU) and the national method
- Competition policy links with other Community policies
- Political organ → superior to an independent cartel office



Greek features

- Access to the file/complaint pre-SO
- More state of play meetings BUT caution with the principle of equality of arms
- Exchange of written pleadings
- Cross-examination between the parties
- Post-hearing exchange of written pleadings
- Organisation of the hearings in a court-like manner