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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft 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 **(first reading)**

- Adoption of the legislative act
- Statement

Statement by Denmark

Denmark supports the proposal and the overall aim of empowering the national competition authorities. Effective competition rules are crucial for ensuring a well-functioning Single Market and growth as competition encourages innovation, efficiency and guarantees consumers the best choice.

However, Denmark finds that, as point of principle, the choice of applicable procedural law should remain a matter for the Member States, who can thereby ensure that proceedings are in line with their rules and legal traditions. Therefore, Denmark strongly regrets the wording of Article 13 of this Directive.

Although it does not change Denmark's position on this matter, Denmark welcomes the references in Article 3 and recital 14 and 42 of this Directive, to the general principles of EU law and the Charter of Fundamental Rights of the European Union. These references make it clear that those rules apply in all proceedings concerning infringements of Articles 101 and 102 TFEU, including non-criminal judicial proceedings.
