

Law N° 52 of February 6th, 1996 (Section 54) - Obligations deriving from Italian membership in the European Community

(Supplement no. 24 to the Official Gazette no. 34 of 10 February 1996)

Law No. 52 of February 6th, 1996 (section 54)

Section 54 - Cooperation with the European Commission in the matter of competition

1. Pursuant to Section 10(4) of law No. 287 of 10 October 1990, the Competition Authority is empowered, in implementation of the EEC Council Regulations 17/62, 1017/68, 4056/86, 3975/87 and 4064/89, in relation to competition to:

- a. carry out the investigations requested by the European Commission;
- b. assist the officials of the European Commission to perform their tasks and to carry out their investigations on Italian territory.

2. In order to perform the tasks referred to in subsection (1), in the manner provided by Community legislation, the Competition Authority is empowered to carry out investigations under Title II of law No. 287 of 10 October 1990, and in the event of an objection from the undertaking concerned and at the request of the European Commission, the Competition Authority may request the assistance of the Guardia di Finanza [Customs and Excise Police] to carry out the investigations requested, vested with the powers and the authority provided for by tax legislation.

[Sub-section (2) as amended by law No. 526 of 21 December 1999 (Provisions for the implementation of obligations deriving from Italy's membership of the European Community. The Community Act 1999), Official Gazette No. 13 of 18 January 2000, suppl. ord. No. 15/L]

3. The results of the investigations performed, pursuant to subsections (1) and (2) above, are to be submitted exclusively to the European Commission and may not be used for any other purposes.

4. In the performance of the investigations referred to in Title II of law No. 287 of 10 October 1990, the Competition Authority shall use the services of the members of the Guardia di Finanza exercising the powers and authority vested in them as indicated in sub-section (2) above, using existing facilities and personnel, in a manner that shall not give rise to additional costs.

5. The Competition Authority, in its capacity as the national authority responsible for competition and fair trading, shall, save where otherwise provided by section 20 of law No. 287 of 10 October 1990, enforce Articles 85(1) and 86 of the Treaty instituting the European Community, exercising the powers and acting in conformity with the procedures provided by Title II, Chapter II, of law No. 287 of 1990. The Authority shall inform the European Commission and suspend the proceedings in the event that the Commission commences a

procedure under Community legislation relating to the same case.