

EUDAIMONIA comparative table of institutional design obligations

<p>Competition law (Regulation 1/2003 and Directive 2019/1)</p>	<p>Obligations flowing from EU primary law and/or secondary legislation</p>
<p>Legal form ?</p>	<p>Administrative authority, possibly complemented by a court (art. 35 Reg. 1/2003, recital 13 Dir. 2019/1)</p> <p>Independent and sufficiently resourced authority (art. 4(1) and 5(1) Dir. 2019/1) + independent spending (art. 5(3))</p>
<p>Composition ?</p>	<p>Staff independence guarantees (art. 4(2) Dir. 2019/1) + professional secrecy (art. 31(2))</p> <p>Members decision-making body appointed through clear and transparent procedures laid down in advance in national law (art. 4(4) Dir. 2019/1) + protection against dismissal for correct performance (art. 4(3))</p>
<p>Process ?</p>	<p>Impartial exercise of powers in the interest of the effective and uniform application of Art. 101 and 102 TFEU (Recital 19 and art. 4(1) Dir. 2019/1)</p> <p>Priority setting powers (Art. 4(5) Dir. 2019/1)</p> <p>Minimum investigative, decision-making and sanctioning powers (Art. 5(2) and 6-23 and 29 Dir. 2019/1)</p> <p>Compliance with CFEU, general principles of EU law (Recital 19) and fundamental good administration rights (art. 3) + access to file harmonisation (art. 31 Dir. 2019/1)</p> <p>Mutual assistance <u>and</u> cross-border participation (art. 24-28) + European Competition Network (ECN) participation (art. 33 Dir. 2019/1)</p>

<p>Modus operandi (accountability, judicial review) ?</p>	<p>Accountability to government or Parliament (art. 4(1) and 5(4) Dir. 2019/1)</p> <p>Right to an effective remedy (art. 3(2) Dir. 2019/1) – see also Recital 19, reference to art. 47 CFEU</p> <p>Administrative authority participation in judicial proceedings against its own decisions or cases (art. 30 Dir. 2019/1)</p>
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