



Council of the European Union
General Secretariat

Brussels, 28 November 2025

WK 16443/2025 INIT

LIMITE

RC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Competition
Subject:	Presentation by the European Commission: Revision of Regulation 1/2003 (agenda item 2.) Working Party on Competition meeting on 28 November 2025

Delegations will find in annex a presentation (agenda item 2.) given by the European Commission during the Working Party on Competition meeting on 28 November 2025.

PUBLIC

Revision of Regulation 1/2003









Update & next steps

28 November 2025

Call for evidence and questionnaire

- Consultation exercise in the context of the Impact Assessment launched on 10 July and closed on 2 October 2025
- Main objective: to consult stakeholders on the main areas the Commission is considering revising, with the objective of enhancing effective and speedy antitrust enforcement and improving certain aspects in relation to co-enforcement with the NCAs and national courts
- Consultation exercise included:
 - Call for Evidence
 - Questionnaire on EU Survey (NCAs invited to send to DG COMP their responses to the questionnaire)

Areas covered by consultation

-  Interim measures
-  Commitments
-  Preservation orders
-  Compulsory interviews
-  Inspection of business records
-  Confidentiality rings
-  Complainants and third party rights
-  ECN cooperation

Respondents to the consultation

Overall good level of engagement from diverse types of stakeholders

- 82 stakeholders made submissions, among which:
 - 21 national competition authorities (from EU/EEA)
 - 29 individual companies and business associations representing industry
 - 17 law firms or associations of legal professionals
 - 2 consumer organisations
 - Some government bodies
 - Some citizens / NGOs / academics

Preliminary results of consultation (non-ECN topics)

Contributions from stakeholders (other than NCAs)

- Overall mixed views on most topics, due to the variety of stakeholders and the different interests they represent
- Stakeholders generally called for safeguards to accompany any new investigative powers
- Many stakeholders support changing the legal test and improving the procedural framework for imposing interim measures
- Some stakeholder support as regards deadlines for the parties to submit commitments coupled with calls to retain flexibility
- Stakeholders agree that the current system of access to file is too burdensome/costly and would support mandatory confidentiality rings (with limited access by the investigated company to non-confidential versions of key documents)
- Other topics raised outside of those covered in the consultation include: LPP, remedies, deadlines for the investigation, transparency of proceedings, due process, fines, etc.

Preliminary results of consultation (non-ECN topics)

Contributions from NCAs

- Overall support for the options put forwards as regards
 - Preservation orders
 - Inspection powers
 - Interviews
 - Interim measures
- More nuanced opinions on: deadlines for commitments, access to file and the rights of complainants/3rd parties

Preliminary results of consultation - ECN

Addressing risks of fragmentation related to stricter national laws

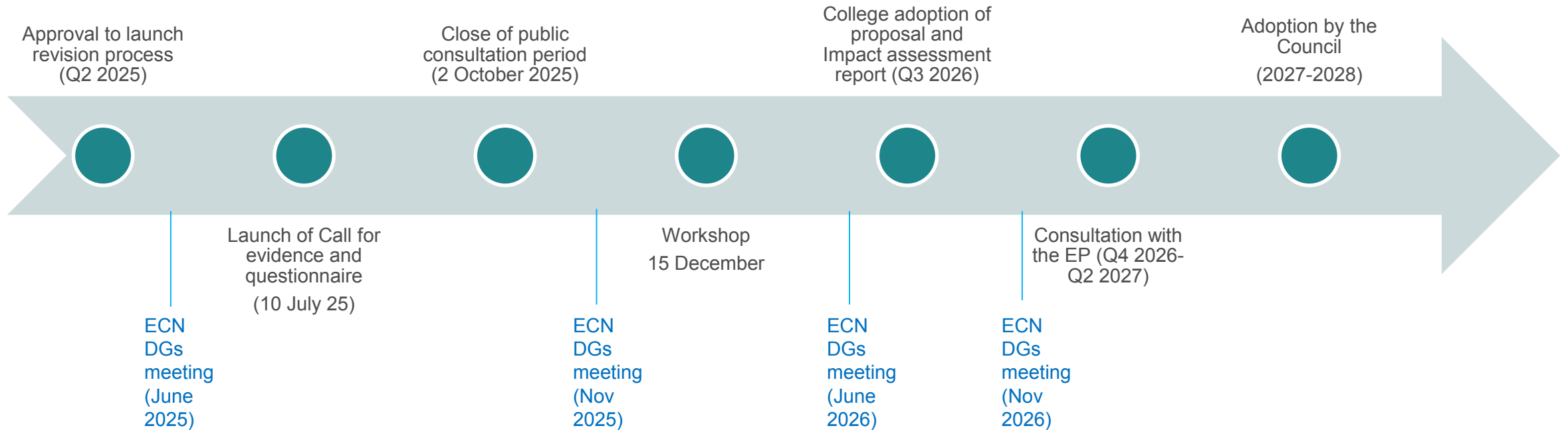
No overall support for **discontinuing** current stricter national law system

- NCAs in favor of maintaining current system
- Feedback from other stakeholders in both directions, highlighting benefits for competition and challenges for the internal market

Extending coordination mechanism to stricter national laws

- Views from NCAs divided - increased coordination welcomed by many NCAs but not at expense of efficiency and expediency
- Diverse views from other stakeholders with large number supporting extension of coordination mechanisms

Timeline for revision



Thank you!

PUBLIC

© European Union 2024

For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.