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LAW 52 OF 6 FEBRUARY 1996

Provisions for the fulfilment of obligations deriving from Italy's membership of the European Community – 1994 EU Law

Article 54

Cooperation with the European Commission on matters related to competition

1. Pursuant to Article 10(4) of Law 287 of 10 October 1990 – in applying Council Regulations (EEC) 17/62, 1017/68, 4056/86, 3975/87 and 4064/89 on matters related to competition – the Italian Competition Authority shall be competent for:

- a) carrying out inspections requested by the European Commission;
- b) assisting officials of the European Commission in the performance of their duties and in conducting inspections within the State's territory.

2. For the performance of the task referred to in paragraph 1, to be carried out in accordance with the procedures set out in EU legislation, the Italian Competition Authority shall be vested with the powers under Title II of Law 287 of 10 October 1990. Should the undertaking concerned oppose the inspection, and upon request of the European Commission, the Italian Competition Authority may seek the intervention of the *Guardia di Finanza* (the Italian Financial Police), which shall carry out the necessary inspections by resorting to the powers of investigation conferred upon it for the purpose of checking value added tax and income tax.

3. The findings of inspections carried out pursuant to paragraphs 1 and 2 are intended exclusively for the European Commission and may not be used for any other purpose.

4. In conducting the investigations under Title II of Law 287 of 10 October 1990, the Italian Competition Authority shall avail itself of the assistance of officers from the *Guardia di Finanza* (the Italian Financial Police), who shall act by resorting to the powers and rights laid

down in paragraph 2, using existing facilities and personnel, and in such a way as to avoid generating additional costs.

5. Without prejudice to Article 20 of Law 287 of 10 October 1990, the Italian Competition Authority, in its capacity as the national authority competent for competition, shall apply Article 85(1) and Article 86 of the Treaty establishing the European Community, using the powers and following the procedures set out in Title II, Chapter II of said Law 287 of 1990. The Authority shall inform the European Commission and suspend its own proceedings if the Commission opens an investigation on the same matter pursuant to EU rules.