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Last updated in December 2025.

ENFORCEMENT OF ARTICLE 14-BIS OF LAW 287 OF 10 OCTOBER 1990

Decision 16218

THE ITALIAN COMPETITION AUTHORITY

AT ITS MEETING of 14 December 2006;

HAVING REGARD TO Council Regulation (EC) 1/2003 of 16 December 2002;

HAVING REGARD TO Law 287 of 10 October 1990;

HAVING REGARD IN PARTICULAR TO Article 14-*bis* of Law 287 of 10 October 1990;

CONSIDERING it appropriate to define the scope and procedures for the enforcement of Article 14-*bis* of Law 287 of 10 October 1990;

DECIDED

to adopt the “*Notice on the enforcement of Article 14-bis of Law 287 of 10 October 1990*”, whose text attached hereto forms an integral part of this decision.

This decision and the relevant notice shall be published in the Bulletin referred to in Article 26 of Law 287 of 10 October 1990.

THE SECRETARY GENERAL

Fabio Cintioli

THE CHAIRMAN

Antonio Catricalà

NOTICE ON THE ENFORCEMENT OF ARTICLE 14-BIS OF LAW 287 OF 10 OCTOBER 1990

Preamble¹

With this Notice, the Authority seeks to provide initial guidance on the enforcement of Article 14-bis of Law 287 of 10 October 1990, introduced by Article 14(1) of Law Decree 223 of 4 July 2006, converted with amendments by Law 248 of 4 August 2006².

Article 14-bis states: “In cases of urgency due to the risk of serious and irreparable damage to competition, the Authority may – acting on its own initiative and on the basis of a *prima facie* finding of infringement – adopt a decision ordering interim measures”.

In line with the general principles of national and EU law, interim measures may be adopted where the following conditions are met: the infringement is likely to be ongoing and the conduct in question may cause serious and irreparable damage to competition.

Procedure for the adoption of interim measures

Where the Authority finds *prima facie* grounds for adopting interim measures, it shall open the relevant proceedings – also in conjunction with the main investigation – and set a time limit of at least seven days for the parties to submit written briefs and documents.

The parties may also request to be heard before the Board. To this end, the case handler shall set a time limit for submitting such a request. If a request is made, the Board shall schedule a hearing and notify the parties.

After reviewing the available information, the Authority shall issue a decision imposing interim measures and requiring the parties to submit a report on the steps taken to comply with that decision.

Procedure for the adoption of interim measures in situations of exceptional seriousness and urgency

Where a situation is so serious and urgent that intervention cannot be delayed, the Authority shall adopt provisional interim measures, also in conjunction with the opening of the main investigation.

¹ Unless otherwise specified, the following abbreviations shall be used in the pages that follow:

«**Competition Act**»: Law 287 of 10 October 1990 (the Italian Competition Act) published in Official Gazette 240 of 13 October 1990;

«**Authority**»: the Italian Competition Authority as defined in Article 10 of the Competition Act.

² Containing “*Conversion into law, with amendments, of Law Decree 223 of 4 July 2006, containing urgent provisions for economic and social recovery, the containment and rationalisation of public spending, as well as measures relating to tax revenue and the fight against tax evasion*” published in the Ordinary Supplement to Official Gazette 186 of 11 August 2006.

Within 7 days of being notified of the decision imposing provisional interim measures, the parties concerned may submit written briefs and documents, and also request to be heard before the Board.

After reviewing the parties' arguments, the Authority may adopt a decision confirming the interim measures and requiring the parties to submit a report on the steps taken to comply with that decision.