



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 March 2014
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**Interinstitutional File:
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**8088/14
COR 1**

**RC 6
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NOTE

From: General Secretariat of the Council
On: 26 March 2014
To: Permanent Representatives Committee

No. prev. doc.: 6493/14 RC 2 JUSTCIV 37 CODEC 412
No. Cion doc.: 11381/13 RC 29 JUSTCIV 177 CODEC 1566

Subject: Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union
- Analysis of the final compromise text with a view to agreement

In document 8088/14 INIT it should read as follows:

1. On page 24, the last sentence of Recital (19a) should read as follows:
"This Directive should be without prejudice to such rules and practices under Regulation 1049/2011."

2. On page 28, the first sentence of Recital (23) should read as follows:

"However, the use of evidence obtained through access to the file of a competition authority should not unduly detract from the effective enforcement of competition law by a competition authority."

3. On page 35, in the one before last sentence of Recital (33), "of the" should be inserted between "Regulation No 1215/2012" and "European Parliament".

4. On page 40, in Recital (44a), at the beginning of the sentence, "it" should read "It".

5. On page 50, in Article 6, paragraph 1, subparagraph c, letter (c), "saveguard" should read "safeguard".

6. On page 50, in Article 6, paragraph 2, letter (b) should read:

"(b) information that the competition authority has drawn up and sent to the parties in the course of its proceedings; and".

7. On page 50, in Article 6, paragraph 2a, letter (a) should read:

"(a) leniency statements; and"

8. On page 51, in Article 6, paragraph 2b, the second sentence should read:

"In that assessment, national courts may request assistance from the competent competition authority."

9. On page 56, Article 11, paragraph number "2." on top of the page should read:
"1a. Member States shall [...]"

10. On page 60, the number and title of Article 14 [deleted] should be deleted from the text.

Article 14

Loss of profits and infringement at supply level

[deleted (moved to Article 12 a).]
