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EU Cartel Law – Judicial Review Statistics

Damien Gerard (College of Europe, Belgium) · Tuesday, July 20th, 2010

Some statistics to feed the debate on the checks and balances of the EU antitrust enforcement system: any comments?

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Cartel Cases Adjudicated by the General Court		
	1995-2005 (226)	2006-2009 (56)
Full annulment	6% (14)	16% (9)*
Partial annulment and/or reduction in fines	56% (127)	27% (15)
Dismissal	38% (85)	57% (32)

* All those decisions were re-adopted by the Commission subsequently, with fines.

Cartel Cases Adjudicated by the Court of Justice		
	1995-2005 (41)	2006-2009 (23)
Full/partial annulment and/or reduction in fines	20% (8)	9% (2)*
Dismissal	80% (33)	91% (21)

* One judgment led to a significant reduction in fine and the other to full annulment, which led to the subsequent re-adoption of the annulled decision.

** Opinions of the Advocate General have been followed by the ECJ in approximately 90% of the appeals over the 2000-2005 period; the ratio fell to 70% over the 2006-2009 period.

Average Duration of Cartel Cases before the EU Courts (months)		
	General Court	Court of Justice
1995-2005	40 (27-58)	35 (28-44)
2006-2009	53 (32-75)	24 (13-28)

NB: cut-off date: December 31, 2009.

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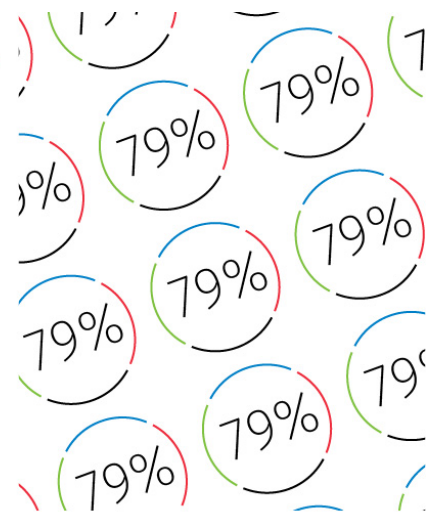
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