

## Denmark

### COMPETITION FRAMEWORK

Competition Law	<p>The Danish Competition Act was enacted on June 10, 1997. The Act was amended in 1997, 2000, 2002, 2007, 2010, 2013, 2015, 2018.</p> <p><i>[Please introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well.]</i></p>
Competition Authority	<p>Danish Competition and Consumer Authority Website: <a href="https://www.en.kfst.dk">https://www.en.kfst.dk</a></p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers.]</i></p>

### POLICY-MAKING AGENTS

#### -DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>The Danish Competition Authority is responsible for enforcing competition law and promoting fair competition in Denmark. Its key duties include:</p> <p>Monitoring Market Competition: Ensuring that markets function efficiently by preventing anti-competitive practices such as cartels, abuse of dominant positions, and restrictive agreements.</p> <p>Merger Control: Evaluating and approving or prohibiting mergers and acquisitions that may significantly impede effective competition.</p> <p>Advocacy and Guidance: Providing advice and guidance on competition matters to businesses and public authorities, and promoting competition-friendly policies.</p> <p>Enforcement Actions: Investigating suspected violations of competition law and taking enforcement actions when necessary.</p> <p>Consumer Protection: Working to protect consumer interests by ensuring that markets operate fairly and transparently.</p> <p>The Danish Competition Authority has the power to impose various forms of liability:</p> <p>Administrative Sanctions: It can issue orders to cease anti-competitive behavior, impose fines on companies for violations of competition law, and require businesses to take specific actions to restore competition.</p> <p>Chapter 8 (23j) of Danish Competition Act</p> <p>(1) In cases concerning an undertaking's or an association of undertakings' infringement of this Act or Article 101 or 102 TFEU, the Competition and Consumer Authority may issue an administrative notice of a fine, indicating that the case may be settled without a trial if the offender admits being guilty and declares willing to pay a civil</p>
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	<p>fine as stated in the administrative notice of a fine within the specified time limit.</p> <p>Civil Liability: Chapter 8 of Danish Competition Act:</p> <p>23. (1) An undertaking, an association of undertakings or any other legal entity may be subject to a civil fine if the party concerned intentionally or negligently</p> <p>Criminal Liability: In certain severe cases, the authority can refer matters to the Public Prosecutor for Serious Economic Crime, which may lead to criminal charges and sanctions.</p> <p>Chapter 10(5) of Danish Competition Act:</p> <p>Intentional or grossly negligent violations of the existing rules shall be punishable by a fine as mentioned in paragraph (i). Criminal liability may be imposed on companies etc. (legal persons) under the provisions of chapter 5 of the Criminal Code.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>The enforcement of competition law is primarily centralized under the Danish Competition and Consumer Authority (DCCA) and the Danish Competition Council. These bodies oversee the application of competition regulations across all sectors, including merger control. Sector-specific regulators do not possess independent mandates to enforce competition law; instead, they collaborate with the DCCA to ensure compliance within their respective industries.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>n/a.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>
<p><b>DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL</b></p>	
<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p>No</p> <p>Danish Competition and Consumer Authority (DCCA) - The DCCA is the main body responsible for investigating competition law violations. It conducts market surveillance, handles complaints, and initiates investigations. While the DCCA can propose certain enforcement measures, it cannot issue binding final decisions in cases of serious competition law infringements.</p> <p>Danish Competition Council (DCC) - After an investigation, the DCCA may refer cases involving significant violations to the DCC. The DCC, an independent decision-making body, has the authority to make final decisions on competition cases, including rulings on fines and other penalties.</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how</i></p>

		<i>many independent authorities are involved in the enforcement process and what are their functions.]</i>
Are disputes presented for decision to judiciary authorities?	Yes	<p>Chapter 7(20) of Danish Competition Act</p> <p>(1) Decisions made by the Competition and Consumer Authority under this Act may not be appealed to an administrative authority other than the Competition Appeals Tribunal. The Competition and Consumer Authority's formal decisions may not be brought before the courts before the Appeals Tribunal has made its decision.</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i></p>
Do private rights of action to challenge competition law infringements exist in your jurisdiction?	Yes	<p>In the Danish Competition Act, Article 23a regulates the private rights of action for damages in cases of competition law infringements. It was introduced as part of Denmark's implementation of the EU Damages Directive (2014/104/EU).</p> <p>Under Article 23a, the key provisions include:</p> <p><b>Right to Damages:</b> Individuals and businesses harmed by competition law infringements (such as abuse of dominance or cartel agreements) have the right to claim full compensation for their losses. This includes both actual loss and loss of profit, as well as interest.</p> <p><b>Disclosure of Evidence:</b> Courts can order the disclosure of evidence necessary for the claimant to substantiate their case. This provision ensures that claimants can access evidence held by the infringing party or third parties, including documents obtained through public enforcement by the DCCA or DCC.</p> <p><b>Passing-on Defense:</b> In cases where the overcharge from a cartel or abuse of dominance has been passed on down the supply chain, defendants may argue that the plaintiff did not suffer any real damage due to this "passing-on." At the same time, indirect purchasers are also given the right to claim damages if they can prove they suffered harm due to passed-on overcharges.</p> <p><b>Limitation Period:</b> Article 23a specifies the limitation period for bringing a damages claim, ensuring that parties have a sufficient period to initiate legal action after an infringement is established.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>

*\* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators*

**DANISH COMPETITION AND CONSUMER AUTHORITY (DCCA)**

**STATUS OF THE COMPETITION AUTHORITY**

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.	Section 18a of Danish Competition Act  <i>[Introduce the relevant provisions]</i>
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	Section 16 of Danish Competition Act  <i>[Introduce the relevant provisions]</i>
		√	The executive has to report on an annual basis to the executive.	Section 14b Danish Competition Act  <i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	N/A  <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	Section 12(2) of Danish Competition Act  <i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		√	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	Section 12(1) of the Danish Competition Act  <i>[Aside from the relevant provisions, please mention the authority charged with the review.]</i>

		<p><b>Other obligations/comments:</b></p> <p><i>[Please introduce any other obligation or comment that you consider relevant. Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i></p>
<b>Independence</b>	Please, answer “Yes” or “No”	
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<p>Section 14 of Danish Competition Act</p> <p>(1) The Minister for Industry, Business and Financial Affairs appoints the Competition Council and the Director General of the Competition and Consumer Authority. The Director General is appointed after consultation of the Council.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent.]</i></p>
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases.]</i>
Does the executive retain decision-making powers over the Competition Authority?	No	<i>[Please introduce the relevant provisions.]</i>
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	<p>Section 13 of Danish Competition Act</p> <p>(2) The Competition and Consumer Authority shall publish:</p> <ul style="list-style-type: none"> <li>i) decisions made by the said authority according to Section 2(4), first sentence, and Section 11a(3), first sentence, as well as the Competition and Consumer Authority’s reasoned opinions and the relevant minister’s responses according to Section 2(5),</li> <li>ii) the Competition Council’s decisions made in accordance with this Act,</li> <li>iii) the Competition and Consumer Authority’s decisions made in accordance with this Act or a summary of such decisions, unless the decision is neither found to be of importance for the understanding of the Competition Act nor otherwise found to be of public interest,</li> <li>iv) judgements, settlements of fines or a summary thereof, where an undertaking etc. is imposed a civil fine, cf. Section 23(1)-(3), or accepts an administrative notice of a fine, cf. Section 23j(1), or where a natural person is imposed a fine or a prison sentence, cf. Section 23(4) and (6), or accepts an administrative notice of a fine, cf. Section 832(1) of the Administration of Justice Act.</li> <li>v) Orders made by the Competition Appeals Tribunal,</li> <li>vi) judgments passed in legal proceedings where the Competition and Consumer Authority, the Competition Council or the Competition Appeals Tribunal is a party,</li> <li>vii) judgments which the Authority has obtained from the courts or of which it has requested copies according to Section 20(4) where such judgments concern the application of this Act or Articles 101 and 102 TFEU</li> </ul> <p>(3) The Competition and Consumer Authority may also publish information concerning the Authority’s activities in the area of competition.</p> <p><i>[Please introduce the relevant provisions.]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	<i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>		

<p>Is the Competition Authority governed by a single chairman or by a collegiate body?</p>	<p>Section 14 of Danish Competition Act</p> <p>(2) The Competition Council has 7 members and is composed of i) 4 members with insight into competition matters or other appropriate academic background, ii) 2 members with experience from business management, and iii) 1 member with specialized knowledge of consumer affairs.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>	
<p>How are the members of the Authority's directive organ chosen?</p>	<p>Section 14 of Danish Competition Act</p> <p>(3) The Minister for Industry, Business and Financial Affairs appoints the members of the Competition Council for a term of up to 4 years. The members are eligible for reappointment. The Minister for Industry, Business and Financial Affairs appoints 1 President and 1 Vice-President among the members appointed in accordance with subsection (2)(i) above (4 members with insight into competition matters or other appropriate academic background).</p> <p><i>[Please describe the election process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>	
<p>Is there a fixed period during which removal is prohibited?</p>	<p>Yes</p>	<p>Section 14 of Danish Competition Act</p> <p>(4) The Minister for Industry, Business and Financial Affairs appoints up to 4 permanent deputies for the members of the Competition Council for a term of up to 4 years. The deputies are eligible for reappointment.</p> <p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>
<p>Is the tenure of the heads renewable?</p>	<p>No</p>	<p>Section 14 of Danish Competition Act</p> <p>(3) The Minister for Industry, Business and Financial Affairs appoints the members of the Competition Council for a term of up to 4 years. The members are eligible for reappointment.</p> <p>(4) The Minister for Industry, Business and Financial Affairs appoints up to 4 permanent deputies for the members of the Competition Council for a term of up to 4 years. The deputies are eligible for reappointment</p> <p><i>[Please introduce the relevant provisions]</i></p>
<p>Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?</p>	<p>Yes</p>	<p>Section 14 of Danish Competition Act</p> <p>(2) The Competition Council has 7 members and is composed of i) 4 members with insight into competition matters or other appropriate academic background, ii) 2 members with experience from business management, and iii) 1 member with specialized knowledge of consumer affairs.</p> <p>(3) The Minister for Industry, Business and Financial Affairs appoints the members of the Competition Council for a term of up to 4 years. The members are eligible for reappointment. The Minister for Industry, Business and Financial Affairs appoints 1 President and 1 Vice-President among the members appointed in accordance with subsection (2)(i) above.</p> <p>(5) Members of the Competition Council and their substitutes are appointed by virtue of their personal and professional qualities without being subject to instructional powers from any authority, organization etc.</p> <p>(6) The Minister for Industry, Business and Financial Affairs appoints an advisory committee composed of up to 10 members who as a group possess a comprehensive knowledge of private and public undertakings as well as legal, economic, financial and consumer matters. The</p>

		<p>Minister for Industry, Business and Financial Affairs appoints the members of the committee for a period of up to 4 years on proposal from business- and interest organizations. The members are eligible for reappointment.</p> <p>(7) The Competition Council lays down its own rules of procedure, subject to approval by the Minister for Industry, Business and Financial Affairs.</p> <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i></p>
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**ARCHITECTURE**

Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<p>The Danish Competition and Consumer Authority (KFST) operates as a stand-alone agency, but it is part of the larger administrative structure of the Ministry of Industry, Business, and Financial Affairs. Although KFST is an independent body responsible for enforcing competition laws and consumer protection regulations in Denmark, it functions under the umbrella of the Ministry, which provides oversight and strategic direction.</p> <p>KFST has its own physical location in Denmark, specifically in Valby, where it conducts its activities, including market investigations, policy enforcement, and advisory work. While it has organizational autonomy in terms of its operations and decision-making, its budget and general framework are influenced by the Ministry's budgetary process.</p> <p>Thus, KFST is independent in its functioning, but still falls under the broader governmental framework of the Ministry, which provides coordination and oversight.</p> <p><i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized.]</i></p>
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**POLICY DUTIES**

Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	√	Concurrent consumer protection mandate.
		X/√	Concurrent IP mandate.
		<p><b>Other mandates:</b></p> <p>Procurement mandate.</p> <p><i>[Include any other mandates entrusted to the Competition Authority]</i></p>	

**PORTFOLIO INSTRUMENTS**

**Law Enforcement**

Does the Competition Authority have powers to investigate cartels?	Yes	<p><b>Administrative Liability:</b> The DCCA can impose administrative orders or injunctions to end anti-competitive behavior under the Danish Competition Act. These remedies are focused on compliance and prevention.</p> <p><b>Criminal Liability:</b> Serious cartel cases are referred to the State Prosecutor for Serious Economic and International Crime (SØIK), which can pursue criminal prosecution.</p>
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		<p>Individuals and companies found guilty of cartel activity can face criminal sanctions, including fines and imprisonment.</p> <p><b>Section 6 of Danish Competition Act</b> prohibits anti-competitive agreements, decisions, and concerted practices, including cartels (e.g., price-fixing, market-sharing, bid-rigging).</p> <p>The DCCA's powers cover cartels, such as: price-fixing agreements; market or customer allocation; output limitation agreements; bid-rigging in public procurement.</p> <p>These practices are universally considered severe infringements and are prioritized by the DCCA and EU competition law.</p> <p>Sanctions:</p> <p>Fines: Companies can face substantial fines proportional to their turnover; Individuals involved in cartels may also be fined.</p> <p>Imprisonment: Under Danish criminal law, individuals found guilty of participating in serious cartels can face imprisonment for up to six years.</p> <p>Leniency Program: The DCCA offers reduced penalties for companies or individuals who report their involvement in a cartel and provide evidence to support investigations.</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i></p>
<p>Does the Competition Authority have powers to investigate unilateral Conduct?</p>	<p>Yes</p>	<p>The Danish Competition and Consumer Authority (DCCA) is empowered to investigate both exploitative and exclusionary abuses of dominance under Section 11 of the Danish Competition Act.</p> <p>Exploitative Effects: The DCCA investigates cases where dominant firms engage in practices such as excessive pricing or unfair trading terms.</p> <p>Exclusionary Effects: The DCCA also addresses exclusionary conduct, such as predatory pricing, tying, or leveraging dominance in one market to harm competition in another. FK Distribution was penalized for leveraging its dominance in printed circulars to gain an unfair advantage in the digital circulars market</p> <p><b>Liability:</b> The DCCA primarily enforces <b>administrative liability</b> through orders to cease violations. However, severe cases can lead to <b>criminal liability</b> with fines for companies and individuals under Danish law.</p> <p>Sanctions: Fines for companies and individuals; orders to cease and desist from unlawful practices; in some cases, the imposition of remedies to restore competition in the affected market.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</i></p>



<p>Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger reviews?</p>	<p>Yes</p>	<p>The Danish Competition and Consumer Authority (DCCA) has the power to conduct ex-ante merger reviews. This power is established under the Danish Competition Act, specifically Sections 12a–12h, which mandate the notification and review of mergers that meet specific turnover thresholds.</p> <p><b>Merger Review Process:</b>  <b>Notification:</b> Mergers must be notified to the DCCA before implementation if the combined annual turnover of the involved companies exceeds DKK 900 million, and at least two of them individually generate DKK 100 million or more in Denmark; or one company has a turnover exceeding DKK 3.8 billion in Denmark, and at least one other has a turnover exceeding DKK 3.8 billion globally. Notifications can be submitted as simplified or full-form based on the complexity and market impact of the merger.</p> <p><b>Phases of Review:</b>  <b>Phase I (Initial Review):</b> Conducted within 25 working days (extendable by 10 working days if remedies are proposed). If no significant impediment to competition is found, the merger is approved.</p> <p><b>Phase II (In-Depth Review):</b> Required for more complex cases, with a deadline of 90 working days (extendable by 20 working days). This phase involves a detailed market analysis and often includes consultations with market participants.</p> <p><b>Remedies and Sanction:</b></p> <p><b>Structural Remedies:</b> The DCCA can require divestitures, such as selling off parts of a business to maintain competition.</p> <p><b>Behavioral Remedies:</b> Imposing obligations or restrictions on how the merged entity operates (e.g., non-discriminatory access to services or products).</p> <p><b>Prohibition:</b> The DCCA can block mergers if they are deemed to significantly impede effective competition.</p> <p><b>Fines:</b> Companies that fail to notify a merger or provide accurate information can face monetary penalties.</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
<p>Is the notification of merger transactions mandatory?</p>	<p>Yes</p>	<p>Under Danish Competition Law, the notification of mergers is mandatory if specific turnover thresholds are met. These thresholds determine whether a merger needs to be reviewed by the Danish Competition and Consumer Authority (DCCA). Not all transactions must be notified—only those that exceed the defined financial criteria.</p> <p>Under Section 12a of the Danish Competition Act the combined annual turnover of the merging parties must exceed DKK 900 million.</p> <p>At least two of the parties involved must each generate an annual turnover of more than DKK 100 million in Denmark.</p>

		<p>If one party has a turnover of more than DKK 3.8 billion in Denmark, and another has a global turnover exceeding DKK 3.8 billion, notification is required.</p> <p>Section 12b outlines the obligation to notify mergers meeting these thresholds.</p> <p><b>Section 12d</b> mandates that the notification be filed and approved before the merger is implemented.</p> <p>Transactions that do not meet the thresholds are not subject to mandatory notification. However, if competition concerns are suspected, the DCCA may still investigate under general competition rules.</p> <p><b>Sanctions:</b> Failure to notify a qualifying merger can lead to fines, legal orders to unwind the merger, or other corrective measures.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
<p>Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?</p>	<p>No</p>	<p>Section 12 c(5) of Danish Competition Act states that the parties to a merger cannot close or implement the transaction before the DCCA has approved it. This includes any actions that would result in the merging parties effectively integrating their businesses (e.g., operational coordination or asset transfers).</p> <p>Exceptions: In certain cases, the DCCA may grant a waiver from the obligation, allowing partial implementation. This is usually done if the parties can demonstrate that the delay would cause undue harm and the merger does not pose immediate competition concerns.</p> <p>Sanctions for Non-Compliance: The DCCA can impose fines, and in extreme cases, order the transaction to be reversed.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
<p>Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?</p>	<p>Yes</p>	<p>Danish Competition Act:</p> <p>Section 12b outlines the notification requirement for mergers that meet specific turnover thresholds. Mergers must be notified and approved by the Danish Competition and Consumer Authority (DCCA) before implementation.</p> <p>Section 12c grants the DCCA the authority to assess mergers that have been implemented without notification, even if they meet the thresholds for mandatory notification. The Authority can intervene if such a merger is found to impede competition significantly.</p> <p>Section 12d provides the basis for the DCCA to investigate mergers that do not meet the thresholds for mandatory notification but may still raise competition concerns. The DCCA can intervene in such cases within five years of the transaction's implementation.</p>

		<p>Section 12e details the remedial actions that the DCCA can impose if a merger is found to harm competition, such as structural or behavioral remedies, or in extreme cases, requiring the dissolution of the merger.</p> <p>Section 12f specifies procedural rules for the DCCA to review mergers, including timelines and the rights of the merging parties to respond.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>Section 12e of the the authority to impose remedies to address the competition concerns arising from mergers. These remedies include structural remedies, such as divestitures of business units or assets; and behavioral remedies, such as commitments related to pricing, supply conditions, or access to essential infrastructure.</p> <p>Section 12d of the Danish Competition Act allows the DCCA to investigate and intervene in mergers that do not meet notification thresholds but still pose competition risks. If a merger is found to significantly impede effective competition, the DCCA can impose remedies under this framework.</p> <p>If a merger was implemented without proper notification or in violation of the DCCA's findings, sanctions, including fines or an order to unwind the merger, may also be applied.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>The Section 18 of Danish Competition Act grants the Danish Competition and Consumer Authority (DCCA) to conduct inspections (dawn raids) on companies' premises if there is a reasonable suspicion of a violation of competition law. The authority may access all records, including digital data and documents, and interview employees as part of the investigation.</p> <p>A dawn raid generally requires prior court authorization in Denmark. The DCCA can inspect not only the business premises but also private residences, provided that these locations are used for business-related activities and court approval has been obtained.</p> <p>Businesses are required to comply with the inspection process, including providing access to requested records and systems. Obstructing or refusing to cooperate with a dawn raid can result in fines or other penalties.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Under Section 15 of Danish Competition Act the Danish Competition and Consumer Authority has the authority to start investigations if there are reasonable grounds to suspect violations of competition rules, such as: cartel agreements (e.g., price-fixing, market-sharing), abuse of dominant position, anti-competitive mergers or agreements.</p> <p><i>[Please mention the relevant provisions]</i></p>

<p>Does the Competition Authority have powers to accept leniency applications?</p>	<p>Yes</p>	<p>The Section 23(d) of Danish Competition Act establishes the legal foundation for the leniency program and describes eligibility criteria, conditions for immunity or fine reduction, and the procedural requirements.</p> <p>The Danish Competition and Consumer Authority (DCCA) has the authority to accept leniency applications under the Danish Competition Act. This leniency program allows companies and individuals involved in anti-competitive agreements, particularly cartels, to voluntarily disclose their participation in return for immunity from fines or a reduction in fines.</p> <p>While leniency is available, applicants must meet certain conditions to qualify, and there are limitations: full immunity from fines is only available to the first applicant that provides evidence enabling the DCCA to initiate an investigation, or prove a violation of the law. Subsequent applicants are eligible only for fine reductions, not full immunity. Fine reductions can range from 30% to 50% for the second applicant and up to 20% for others.</p> <p>Companies or individuals that coerced others to join or remain in a cartel are not eligible for full immunity. They may still receive fine reductions if they cooperate.</p> <p>Applicants must provide complete and truthful evidence, cease participation in the illegal activity immediately, cooperate fully and continuously with the DCCA throughout the investigation.</p> <p>Failure to comply with these requirements may result in disqualification from the program.</p> <p>Employees or managers of companies applying for leniency can receive protection from criminal sanctions, provided they cooperate fully with the investigation.</p> <p>A market system allows potential applicants to secure their position as the first applicant while they gather necessary evidence to support their leniency application.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
<p>Does the Competition Authority have powers to seek criminal punishment?</p>	<p>No</p>	<p>The Danish Competition and Consumer Authority (DCCA) itself does not impose criminal sanctions directly. Instead, it refers cases involving serious violations of competition law to the State Prosecutor for Serious Economic and International Crime (SØIK) for criminal sanctions.</p> <p>For serious and intentional violations, the DCCA refers cases to the State Prosecutor (SØIK), which can impose criminal penalties.</p> <p>Under Section 23 of Danish Competition Act, companies and individuals involved in serious violations (e.g., cartels) may face substantial fines, individuals can face prison sentences for cartel activities if the violations are deemed serious imprisonment of up to 1.5 years. Extremely</p>

		<p>serious- imprisonment of up to 6 years, depending on the extent of economic harm caused by the conduct.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>	
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>The Danish Competition and Consumer Authority (DCCA) has the authority to issue opinions on draft legislation and regulatory proposals. The relevant legal basis is found in Section 2 of the Danish Competition Act, which outlines the purpose of the Act, emphasizing the promotion of efficient resource allocation through competition for the benefit of businesses and consumers.</p> <p>The DCCA can review and provide opinions on: draft laws and regulations at the national and municipal levels; policies that may have significant implications for market competition. These opinions are typically advisory and non-binding, intended to inform policymakers and stakeholders about the potential competitive impact of proposed measures.</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[If the answer is yes, include relevant provisions]</i>	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines?	Non-Binding	√	Guidelines on the calculation of fines.
		<i>[Answer with X/√ as it applies]</i>	
		√	Guidelines on merger control.
<i>[Answer with X/√ as it applies]</i>			
<i>[Answer with X/√ as it applies]</i>		Guidelines on the economic analysis of abuse of dominance cases.	
Can the Competition Authority issue binding regulation on competition?	No	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>	
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes	<p>Section 6 of the Danish Competition Act allows the Danish Competition and Consumer Authority (DCCA) to investigate possible violations of competition law, including those that might emerge from market studies. The Authority can obtain information, carry out inspections, and collect data relevant to its investigations.</p> <p>The authority can require businesses to provide documents and answer questions relevant to market conditions or any suspected anti-competitive conduct.</p>	

		<p>Section 9 of Danish Competition Act mainly focuses on anti-competitive agreements, it relates to the broader investigative powers of the Authority, which could be used in market studies to identify potentially harmful coordination among businesses in a market.</p> <p>Section 17 of the Danish Competition Act allows the DCCA to issue reports and recommendations based on its investigations. These reports can be based on the results of market studies, and they may contain findings related to market conditions, competition concerns, and policy recommendations.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>Section 15(1) authorizes the DCCA to conduct analyses of competition conditions in specific sectors or markets to provide insight into competitive dynamics and assess whether competition is being restricted.</p> <p>However, the Act does not explicitly mandate that the DCCA must report findings to the legislature. Instead, such reporting generally occurs as part of government or parliamentary processes, where the findings of market studies inform legislative or policy decisions.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
<b>DECISION-MAKING FUNCTIONS</b>		
<b>Aggregated Functions</b>		
Does the Competition Authority make the decision to investigate and make guilty findings?	No	<i>[If the answer is "yes", include relevant provisions]</i>
Does the Competition Authority impose punishments?	No	<p>Danish Competition and Consumer Authority (DCCA) does not impose punishments such as fines or other sanctions directly. Instead, the enforcement process in Denmark separates investigation, decision-making, and sanctioning responsibilities among the DCCA, the Danish Competition Council (DCC), and the courts.</p> <p>The DCCA investigates potential breaches of the Danish Competition Act or EU competition rules (Articles 101 and 102 of the Treaty on the Functioning of the European Union). The DCCA gathers evidence, conducts inspections (dawn raids), and builds a case.</p> <p>The Danish Competition Council (DCC), based on the findings of the DCCA, decides whether a violation of competition law has occurred. The DCC may issue orders to end infringements or require commitments from undertakings to restore competition.</p> <p>If the DCC finds grounds for imposing penalties (e.g., fines), the case is referred to the State Prosecutor for Serious Economic and International Crime (SØIK) for criminal prosecution.</p> <p>Only the Danish courts can impose fines or other criminal penalties in competition law cases. This ensures that sanctions are subject to judicial oversight and due process.</p> <p>According to the Section 18(1) of the Danish Competition Act, the DCC shall decide whether a violation of the</p>

		<p>provisions of this Act or Articles 101 and 102 of the Treaty on the Functioning of the European Union has occurred.</p> <p>Based on the Section 23(1) of Danish Competition Act, if the Competition Council finds grounds for imposing fines or other penalties, the matter shall be referred to the State Prosecutor for Serious Economic and International Crime (SØIK)."</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
<p>Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?</p>	<p>No</p>	<p>The enforcement of competition law involves multiple bodies, ensuring separation between investigation and decision-making.</p> <p>Investigation (Danish Competition and Consumer Authority - DCCA): The DCCA investigates potential violations of the Danish Competition Act and EU competition rules (Articles 101 and 102 TFEU, when applicable). The DCCA gathers evidence, interviews parties, and prepares a case for the Danish Competition Council. Section 14 and Section 18 of the Danish Competition Act authorize the DCCA to conduct inspections and request information.</p> <p>Decision-Making (Danish Competition Council): The Danish Competition Council, an independent decision-making body, evaluates the case prepared by the DCCA. If it finds an infringement, it can issue decisions such as cease-and-desist orders or remedies. Section 15 of the Danish Competition Act empowers the Council to make decisions based on the DCCA's findings.</p> <p>Judicial Review (Danish Courts): If a case involves fines or criminal sanctions, the Council refers the matter to the State Prosecutor for Serious Economic and International Crime (SØIK), which then pursues the case in court. The Danish courts have the final authority to impose fines or other penalties. Section 23 of the Danish Competition Act requires court involvement for imposing fines.</p> <p>Independence and Governance: The <b>DCCA Director-General</b>, who leads the investigative body, is appointed by the government (typically the Ministry of Business and Growth) and operates under its supervision.</p> <p>Removal of the Director-General is also at the discretion of the government, meaning that the DCCA is not entirely independent from the executive branch.</p> <p><b>Separation of Powers:</b> The <b>Danish Competition Council</b>, the decision-making body, operates independently of the DCCA. Members of the Council are appointed based on expertise and cannot simultaneously be employees of the DCCA.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>

<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>The decisions made by the Danish Competition Council (DCC), which is part of the Danish Competition and Consumer Authority (DCCA) framework, can be appealed to a court.</p> <p>Decisions made by the DCC can first be appealed to the Competition Appeals Tribunal. The Tribunal is an independent body that reviews the legality and merits of the DCC's decisions.</p> <p>According to the Section 31(1) of the Danish Competition Act, the decisions made by the Competition Council may be appealed to the Competition Appeals Tribunal within four weeks of notification. If a party is dissatisfied with the decision of the Competition Appeals Tribunal, they can further appeal to the ordinary courts. The courts have the authority to review the decision and provide a final ruling on the matter.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		