

Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (Text with EEA relevance) (repealed)

## CHAPTER I

### INTRODUCTORY PROVISIONS

#### *Article 4*

#### **Competent authorities**

1 Each Member State shall designate the competent authorities and a single liaison office responsible for the application of this Regulation.

2 Each Member State may, if necessary in order to fulfil its obligations under this Regulation, designate other public authorities. They may also designate bodies having a legitimate interest in the cessation or prohibition of intra-Community infringements in accordance with Article 8(3).

3 Each competent authority shall, without prejudice to paragraph 4, have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in conformity with national law.

4 The competent authorities may exercise the powers referred to in paragraph 3 in conformity with national law either:

- a directly under their own authority or under the supervision of the judicial authorities; or
- b by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

5 Insofar as competent authorities exercise their powers by application to the courts in accordance with paragraph 4(b), those courts shall be competent to grant the necessary decisions.

6 The powers referred to in paragraph 3 shall only be exercised where there is a reasonable suspicion of an intra-Community infringement and shall include, at least, the right:

- a to have access to any relevant document, in any form, related to the intra-Community infringement;
- b to require the supply by any person of relevant information related to the intra-Community infringement;
- c to carry out necessary on-site inspections;
- d to request in writing that the seller or supplier concerned cease the intra-Community infringement;
- e to obtain from the seller or supplier responsible for intra-Community infringements an undertaking to cease the intra-Community infringement; and, where appropriate, to publish the resulting undertaking;

- f to require the cessation or prohibition of any intra-Community infringement and, where appropriate, to publish resulting decisions;
- g to require the losing defendant to make payments into the public purse or to any beneficiary designated in or under national legislation, in the event of failure to comply with the decision.

7 Member States shall ensure that competent authorities have adequate resources necessary for the application of this Regulation. The competent officials shall observe professional standards and be subject to appropriate internal procedures or rules of conduct that ensure, in particular, the protection of individuals with regard to the processing of personal data, procedural fairness and the proper observance of the confidentiality and professional secrecy provisions established in Article 13.

8 Each competent authority shall make known to the general public the rights and responsibilities it has been granted under this Regulation and shall designate the competent officials.