

## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

Regulation 14.6 of the Council of the European Communities requires Member States to afford assistance to officials authorised by The European Commission in any investigation necessary to bring to light an agreement, decision or concerted practice prohibited by Article 85(1) of the Treaty establishing the European Community or an abuse of a dominant position prohibited by Article 86 of that Treaty. The assistance is to be given “where an undertaking opposes an investigation”.

This Act of Sederunt amends the Rules of the Court of Session 1994 so as to provide for applications by such officials for assistance to be made by petition (and hence, by virtue of rule 14.2(h), by petition presented in the Outer House) and for warrant to be granted authorising messengers-at-arms to provide such assistance as is requisite.

It is not to be competent to lodge a caveat against an interim order sought in such a petition.