European Union

“Whiteland Import Export”

**Decision of the European Court of Justice (Second Chamber)
21 January 2020 – Case No. C 308/19; ECLI:EU:C:2021:47**

Consiliul Concurenței v. Whiteland Import Export SRL

**Regulation (EC) No. 1/2003, Art. 25(3); Treaty on
European Union, Art. 4(3); Treaty on the Functioning
of the European Union, Art. 101**

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Keywords Penalties imposed by national authorities · Limitation period · Actions interrupting limitation period · Infringement · Principle of effectiveness · National legislation precluding interruption of new limitation period

1. EU law must be interpreted as meaning that national courts are not required to apply Article 25(3) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles [101 and 102 TFEU] to the time-barring of a national competition authority’s powers to impose penalties for infringements of EU competition law.
2. Article 4(3) TEU and Article 101 TFEU, read in the light of the principle of effectiveness, must be interpreted as precluding national legislation, as interpreted by the national courts having jurisdiction, according to which the decision to initiate an investigation, adopted by the national competition authority, concerning an infringement of EU competition law rules, is the final action of that authority which may have the effect of interrupting the limitation period relating to its power to impose penalties and excludes any subsequent action, for the purpose of proceedings or investigation, from interrupting that period, where it becomes apparent, having regard to all elements of the limitation rules at issue, that such an exclusion presents a systemic risk that acts constituting such infringements may go unpunished, which it is for the referring court to verify.

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Available at <http://curia.europa.eu>. Official wording of the Court.