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and the Breakout session 3 D F

E G under Session IV of the Global Forum on Competition to be held on 29-30 November 2018.

More documentation related to this discussion can be found at: oe.cd/invpw.

Please contact Ms. Lynn Robertson [E-mail: Lynn.Robertson@oecd.org], if you have any questions regarding this document.

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Investigative Powers in Practice

*Breakout Session 2: Requests for Information – Limits and Effectiveness
and
Breakout Session 3: Due Process in relation to Evidence Gathering*

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opportunity to make any objections to the subpoena or CID to the court to convince it to deny the Agency's petition for enforcement.

8. It is a criminal offense intentionally to withhold, misrepresent, conceal, destroy, alter, or falsify any documentary material, answers to written interrogatories, or oral testimony that is the subject of a CID.⁷ Where there is reason to believe that a CID recipient has intentionally withheld documents or information or has in any other way attempted to evade, avoid, or obstruct compliance with a CID, initiation of a grand jury investigation is an option.

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9. Parties responding to RFIs produce large quantities of data, almost exclusively in electronic format. The Division and the Commission have invested in litigation support services that are responsible for processing and loading the data received and putting it in an electronic review platform; the increasing amounts of data take additional time to load. The Division and the Commission encourage staff to negotiate modifications that limit the production of redundant or unnecessary information.

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10. Successful challenges to CIDs are rare and generally have been limited to burden and relevance issues. A respondent to a CID from the FTC may not object to CID specifications by bringing an action in court without first availing itself of a potential administrative remedy. For this reason, challenges usually occur prior to any decision on the merits, but can be raised again on appeal of a final decision.

11. Each CID must state the nature of the conduct, activity, or proposed action under investigation and the provision of law applicable to the investigation. Several cases have involved challenges to the adequacy of the description of the investigation, but courts have fou

