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DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE

Working Party No. 3 on Co-operation and Enforcement

Treatment of legally privileged information in competition proceedings ±Note by the United States

26 November 2018

8QLWHG 6WDWHV

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2 . U.S. v. Upjohn , . .

³LV WR HQFRXUDJH IXOO DQG IUDQN FRPPXQLFDWLRQ EHW

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FOLHQW ´ ³ WKDW WKH SULYLOHJH SURWHFWV ³QR

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XQG DQG LQIRUPHG DGYLFH ´

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DJHQFLHV¶ $QWLWUXVW *XLGHOLQHV

(QIRUFHPHQW DQG &RRSHUDWLRQ[11] ³,QWHUQDWLRQDO *XLG

[2] [1] . [5] ,

FRRSHUDWLRQ SURYLGHV WKDW WKH ³$JHQFLHV ZLOO SUR

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ZDLYHUV RU RWKHU FRRSHU[3]DWLYH DFWLYLWLHV ´

1 . 7 FLHV¶ , . .

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