



BACK-TO-OFFICE REPORT

	Date submitted: 17th July 2026 Activity date(s): _8th April 2026 to 3rd July 2026	
Activity details <i>(name, participants, venue)</i> Rosebela Oiro, Brussels	Department/Division Planning Policy and Research department	
Brief descriptions of the activity <i>(overview of the activity)</i> The European union commission, directorate-general for competition (dg comp), unit e5 – agriculture, food and fast-moving consumer goods - Visitors' scheme from third countries.		
Purpose/objective of the activity The objectives of the attachment were to study the institutional arrangements of a specialized sector enforcement unit, to observe end-to-end antitrust case procedure from intake to decision and appeal, to gain practical exposure to investigative tools including inspections (dawn raids), digital forensics, leniency and settlement, and to identify transferable practices to strengthen the Authority's enforcement of competition law in the food, agriculture and FMCG sectors.		
Highlights of the activity <i>(Summary of topics covered, key presentations and discussions)</i>		



Case flow runs from intake and screening, through initial investigation and the prioritisation checkpoint, to in-depth investigation, a Statement of Objections (SO) where concerns are confirmed, the exercise of rights of defence (access to the non-confidential file, written reply within a set period, and an oral hearing before the independent Hearing Officer), review and possible narrowing or abandonment of objections, drafting of the decision, consultation of the Advisory Committee of Member State authorities (which meets a second time specifically on proposed fines), and final adoption by the College of Commissioners. This sequence embeds multiple decision-making checkpoints, legal review and peer review: the Legal Service scrutinises draft decisions, the Chief Economist Team quality-assures economic evidence, the Hearing Officer safeguards procedural fairness, and the Advisory Committee provides an external check before adoption. Response periods (for example, one to three months for replies in settlement proceedings) discipline timelines, and transparency is maintained through publication of final public versions of decisions, summaries, the Hearing Officer's final report and the Advisory Committee's opinion in the Official Journal and on the DG COMP website. Evidential integrity is maintained through the case file, signed data inventories and hash-verified forensic copies.

Specific pending matters observed during the attachment are confidential; anonymised illustrations are therefore used. Case A (territorial supply restraint) illustrated the process of collecting evidence through inspection and review of evidence. Case B (an inspection at an FMCG manufacturer) demonstrated the operational discipline of dawn raids — securing targeted equipment on day one, forensic imaging with hash verification, and meticulous minute-taking, including on the affixing and removal of seals. Case C (a commitment decision addressing restrictive distribution practices in a consumer goods market) showed how Article 9 commitments can remedy concerns quickly without a finding of infringement.

Recurring compliance issues in food, agriculture and FMCG markets include price-fixing and market-sharing among suppliers of staple and processed foods, restrictive vertical arrangements in distribution, and conduct in agricultural input markets where farmers and consumers are directly harmed. The cross-border character of food and FMCG supply chains make networked cooperation, as institutionalised in the ECN, an essential complement to national enforcement.



Insights/lessons learned (brief description of how the lessons learned can be applied at the Authority)

The Unit's principal strengths are its sector specialisation combined with access to central expert resources (Chief Economist Team, Policy, forensic IT specialists, Legal Service and Hearing Officer); a mature toolkit spanning inspections, RFIs, settlement and commitments; codified fining methodology; layered quality assurance culminating in Advisory Committee and College scrutiny; and the ECN as a standing mechanism for inter-agency cooperation, evidence exchange and best-practice pooling.

Measured against this benchmark, the gaps most relevant to the Authority are: limited in-house forensic IT capacity and tooling for the collection and mining of electronic evidence; granular fining methodology; constrained access to price and transactional data for screening food and FMCG markets; the lack of formalised inter-agency cooperation frameworks equivalent to the ECN; staffing and specialist economic expertise constraints within the sector unit; and legal-framework limitations that should be reviewed against Regulation 1/2003-style powers, including sanctions for obstruction of inspections and clear rules on sealed data and continued inspections. Resource constraints, particularly for weeks-long, multi-disciplinary on-site inspections, will need to be addressed through planning and phased capacity-building.

Recommendations/Action points (What actions is the Authority required to take, by when, by whom)

No.	Recommendation	Rationale	Suggested owner
1	Institutionalise a written inspection (dawn-raid) protocol covering team composition, written authorisations, on-site notetaking, sealing of premises and records, and chain-of-custody for seized data (hash-value verification, sealed-envelope procedure, signed data inventories).	The Unit's exposure to DG COMP inspections showed that evidential integrity depends on disciplined procedure: forensic copies verified by MD5 hash values, three authenticated data copies, and signed inspection reports. Codifying this protects cases from procedural challenge.	Enforcement & Compliance



2	Introduce a sector-specific triage and prioritisation matrix for food, agriculture and FMCG complaints, with fast-track handling for perishable-goods and essential-input markets.	DG COMP screens intake against priority criteria before committing to in-depth investigation. A documented matrix would concentrate scarce resources on high-harm conduct (staple foods, farm inputs) and create an auditable record of case-selection decisions.	Planning Policy and Research
4	build capacity in forensic IT tools (e.g., an e-discovery/data-mining platform comparable to Nuix), with trained forensic officers embedded in inspection teams.	Electronic evidence now dominates cartel investigations. A dedicated forensic capability, with encrypted exports, document logs and hash verification, is a precondition for defensible digital evidence-gathering.	ICT & Enforcement & Compliance
6	Formalise cooperation frameworks with sector ministries, the agriculture regulator and peer competition agencies (information exchange, case referral and joint investigation protocols), modelled on the European Competition Network.	The ECN demonstrates the value of structured cooperation, notification of new cases, coordinated investigations, evidence exchange and pooled best practice, particularly for cross-border food and FMCG supply chains.	Planning Policy and Research
Appendix - Event Programme/Course Outline - Copy of Certificate - etc			



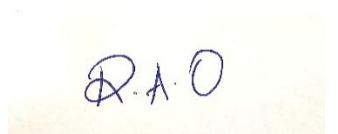
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