

*Training segment: 10*

*Agenda item: 2.4.*

# Procedural steps in the compliance procedure

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# Main Procedural Steps of Communication Consideration by ACCC





# What's Admissibility of a case ?

- Formal requirements
- First Step in Consideration
- Basis: Decision I/7, para 20-21



# Determination of admissibility

- Initial – by Secretariat
- Preliminary by the Committee
- Final by the Committee
  
- Communication gets a number
- Case opened
- Case becomes public



# Inadmissibility Effect

- Stops the procedure
- May have temporary effect, though
- Cannot be challenged
- May create a negative precedent



# Response by a Party

- Forwarding communication
  - After preliminary admissibility
  - May include specific questions
  - May include questions to communicant
- Response within 5 months from the date of forwarding
- May raise the issue of admissibility



# Public hearing

- Allows a discussion in open session
- Equal opportunities for parties concerned
- Has critical importance on case outcomes
- Maybe complicated by confidentiality



# Draft findings & recommendations

- Are prepared by the curator
- Discussed and approved by the whole Committee
- Are sent to parties concerned for comments



# Draft findings & recommendations

- Structured:
  - Introduction
  - Summary of facts
  - Consideration and evaluation by the committee
  - Conclusions
    - Findings
    - Recommendations



# Final decision

- Findings and Recommendations
- Adopted at a ACCC meeting
- Annexed as Addendum to ACCC's meeting report
- Case is closed (followed up, though)