

## SCHEDULES

### SCHEDULE 5

#### INVESTIGATORY POWERS ETC.

#### PART 4

##### FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND EU ENFORCERS

##### *Exercise of powers in this Part: EU enforcers*

- 20 (1) Any power in this Part of this Schedule which is conferred on an EU enforcer may be exercised by such an enforcer only for the purposes and in the circumstances mentioned in this paragraph in relation to that power.
- (2) If the condition in sub-paragraph (3) is met, an EU enforcer may exercise any power conferred on it by paragraphs 21 to 25 and 31 to 34 for any purpose relating to the functions that the enforcer has under Part 8 of the Enterprise Act 2002 in its capacity as a CPC enforcer under that Part.
- (3) The condition is that an officer of the EU enforcer reasonably suspects—
- (a) that there has been, or is likely to be, a Community infringement,
  - (b) a failure to comply with an enforcement order or an interim enforcement order made on the application of that enforcer,
  - (c) a failure to comply with an undertaking given under section 217(9) or 218(10) of the Enterprise Act 2002 following such an application, or
  - (d) a failure to comply with an undertaking given to that enforcer under section 219 of that Act.
- (4) An EU enforcer may exercise the power in paragraph 27 (power to require the production of documents) for either of the following purposes—
- (a) the purpose mentioned in sub-paragraph (2), if the condition in sub-paragraph (3) is met;
  - (b) to ascertain whether the documents may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.
- (5) An EU enforcer may exercise the power in paragraph 28 (power to seize and detain goods) in relation to goods which an officer of the enforcer reasonably suspects—
- (a) may disclose (by means of testing or otherwise) a Community infringement or a failure to comply with a measure specified in sub-paragraph (3)(b), (c) or (d), or
  - (b) may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.
- (6) An EU enforcer may exercise the power in paragraph 29 (power to seize documents required as evidence) in relation to documents which an officer of the enforcer

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*Status: This is the original version (as it was originally enacted).*

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reasonably suspects may be required as evidence in proceedings under Part 8 of the Enterprise Act 2002.