

Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance)

CHAPTER IV

COORDINATED INVESTIGATION AND ENFORCEMENT MECHANISMS FOR WIDESPREAD INFRINGEMENTS AND FOR WIDESPREAD INFRINGEMENTS WITH A UNION DIMENSION

Article 18

Reasons for declining to take part in the coordinated action

1 A competent authority may decline to take part in a coordinated action for any of the following reasons:

- a in respect of the same trader, a criminal investigation or judicial proceedings have already been initiated, a judgement has been given, or a court settlement has been reached, concerning the same infringement in that competent authority's Member State;
- b the exercise of the necessary enforcement powers has already been initiated before the issuing of an alert referred to in Article 17(3), or an administrative decision has been adopted against the same trader in respect of the same infringement in that competent authority's Member State in order to bring about the swift and effective cessation or prohibition of the widespread infringement or widespread infringement with a Union dimension;
- c following an appropriate investigation, it is apparent that the actual or potential impact of the alleged widespread infringement or widespread infringement with a Union dimension in that competent authority's Member State is negligible and therefore no enforcement measures need to be adopted by that competent authority;
- d the relevant widespread infringement or the widespread infringement with a Union dimension has not occurred in that competent authority's Member State and therefore no enforcement measures need to be adopted by that competent authority;
- e the competent authority has accepted commitments proposed by the trader responsible for the widespread infringement or widespread infringement with a Union dimension to cease that infringement in that competent authority's Member State and those commitments have been implemented, and therefore no enforcement measures need to be adopted by that competent authority.

2 Where a competent authority declines to take part in the coordinated action, it shall inform the Commission and the other competent authorities and single liaison offices concerned by the widespread infringement or widespread infringement with a Union dimension about its decision without delay, stating the reasons for its decision and providing any necessary supporting documents.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2017/2394 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulation revoked by virtue of S.I. 2019/203, reg. 8 (as substituted) by [S.I. 2020/1347 reg. 3\(7\)](#)