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Industry Update

European Commission Fine Highlights Need for Accurate Responses in Antitrust Investigations

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On 8 September 2025, the European Commission (the Commission) imposed its first-ever fine on a company for providing incomplete information during an ongoing antitrust investigation.

In June 2023, the Commission conducted dawn raids in the synthetic turf sector, suspecting potential cartel behavior. While the [investigation](#) is ongoing, the Commission [fined](#) Eurofield, one of the companies under investigation, for submitting incomplete responses to a formal request for information (RFI).

In this instance, one of Eurofield's response to an RFI from the Commission was found to be incomplete when compared with materials seized during the 2023 dawn raid. The company was warned of the potential issue but did not seek clarification or take corrective action. In November 2024, the Commission opened an investigation into the suspected procedural breach. Eurofield later acknowledged liability, cooperated with the investigation and submitted the missing and additional documents, which resulted in a 30% reduction in the fine.

While the fine was relatively modest (under €200,000), the legal significance is substantial as it marks the first-ever application of Article 23(1)(b) of Regulation No. 1/2003, which allows the Commission to sanction incomplete responses to RFIs in competition cases. The Commission's message is clear: responses to RFIs must be accurate, complete and submitted with the utmost care. Failing to do so — even negligently or unintentionally — can lead to sanctions.

Key Takeaways

- **Negligence Is No Defense:** The Commission found Eurofield's failure to be "at least negligent" and stressed that even unintentional lapses can lead to fines.
- **RFIs Are a Core Investigative Tool:** According to the Commission, RFIs are central to the success of antitrust investigations. Responses must be complete, accurate and submitted with care.
- **Proactivity Is Expected:** Companies must proactively seek clarification if any part of an RFI is unclear. Eurofield's failure to do so despite prior warnings was seen as a serious lapse.
- **Cooperation Mitigates Penalties:** Eurofield's cooperation — after the Commission opened its procedural case — was a mitigating factor, reducing the fine by 30%.
- **Zero Tolerance for Procedural Breaches:** While this case is novel, it aligns with the Commission's long-standing strict stance on procedural violations, such as:

- the €38 million fine imposed on E.On for breaking a seal during a dawn raid (2008)
- the €15.9 million fine imposed on IFF for deleting WhatsApp messages during an inspection (2024).

Practical Recommendations for Companies

- **Respond With Rigor:** RFIs must be handled diligently — across antitrust, merger control, state aid and foreign subsidies proceedings.
- **Seek Clarifications When Needed:** If there's any doubt about the scope of the RFI, ask the Commission for clarification.
- **Avoid Careless Mistakes:** Even inadvertent errors may result in liability. Intent is not required for sanctions.
- **Cooperate Fully:** Full and early cooperation throughout the investigation can significantly reduce financial penalties in the event of a breach.

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