

AG Medina: Competition Authorities May Seize Business Emails without Prior Court Approval

News

Anna Pingen

In her [Opinion delivered on 23 October 2025](#), Advocate General *Laila Medina* examined whether EU fundamental rights law requires prior judicial authorisation in the context of national competition authorities seizing business emails containing personal data during antitrust investigations. The cases arose from proceedings in Portugal, where several companies challenged the seizure of internal emails ordered by the Public Prosecutor's Office during investigations into suspected infringements of Arts. 101 and 102 TFEU (Joined Cases C-258/23 (*Imagens Médicas Integradas*), C-259/23 (*Synlabhealth II*), and C-260/23 (*SIBS*)).

AG *Medina* acknowledged that the seizure of business emails may involve the processing of personal data, which constitutes an interference with Art. 8 CFR. However, she stressed that this right is not absolute and may be limited if the conditions of legality, necessity, and proportionality under Art. 52(1) of the Charter are met.

Drawing a clear distinction from the Court's judgment in *Bezirkshauptmannschaft Landeck* (→[euclid 3/2024, 189-191](#)), which concerned unrestricted access to personal data on a private mobile phone in a criminal investigation, AG *Medina* contended that business emails seized at company premises do not, in principle, enable authorities to reconstruct an individual's private life with comparable depth or intensity. She emphasised that, in competition investigations, personal data are collected only incidentally and for the sole purpose of establishing anticompetitive conduct attributable to the undertaking, not the criminal liability of individual employees.

Based on this reasoning, she concluded that, according to Art. 8 CFR, prior judicial authorisation is not required for the seizure of business emails in competition inspections, provided that a strict legal framework governs the authorities' powers and that effective safeguards are in place. These safeguards include a clearly defined inspection decision, data minimisation, purpose limitation, secure storage, transparency vis-à-vis the undertaking, and the availability of comprehensive ex post judicial review. She added that EU law does, however, not preclude Member States to provide for a mechanism for prior authorisation issued by a judicial authority, which includes the Public Prosecutor's Office, in respect of inspections by national competition authorities.

As a result, AG *Medina* proposed the ECJ rule that Arts. 7 and 8 CFR do not preclude national rules permitting competition authorities to seize relevant business emails without prior judicial approval, as long as adequate protections against abuse and arbitrariness are ensured.

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Note: This is a supplementary Opinion for the case at issue which was requested from the judges in Luxembourg after the cases were referred to the Grand Chamber. In essence, the AG was asked to reassess the case following the delivery of the ECJ's ruling in *Landeck* in October 2024 (see above). The [first opinion](#) in the case was delivered in June 2024.

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