



RECENT DEVELOPMENTS IN SLOVAK COMPETITION LAW

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ENFORCEMENT - SELECTED RECENTLY ISSUED DECISIONS

- the following areas:

➤ **the repair and maintenance of motor vehicles:**

- 2016 – 2017 Office issued seven commitments decisions related to the provisions of official documents (especially service books) issued by producer/importer of motor vehicle of brands

➤ **the sale of new passenger cars:**

- on 25 August 2017 Council of the Office amended the first instance decision on cartel agreements between seven undertakings in public tender or public procurements related to the sale of new Škoda passenger cars in Slovakia
- fine in the amount of EUR 319 225
- ban from participating in public procurement

ENFORCEMENT - SELECTED RECENTLY ISSUED DECISIONS

- **issuing, distribution and selling meal and benefit vouchers, including providing related services:**
 - on 11 September 2017 Council of the Office upheld the first instance decision on two cartel agreements concluded by five undertakings
 - fine in the amount of EUR 2 982 351
 - ban from participating in public procurement

- **mapping the earth's surface and products of aerial photography:**
 - on 27 November 2017 Council of the Office amended the first instance decision – agreement restricting competition in the market of production, distribution and sale of products and service in the field
 - fine in the amount of EUR 128 653
 - ban from participating in public procurement

ENFORCEMENT - MERGERS

- Office intensified its activity against failures to notify concentrations and gun jumping
 - sanctions for failure to notify concentration (2017),
 - 1 inspection (2017),
 - 2 administrative proceedings (2017 – 2018)

ANALYSIS OF SUB-LIMIT CONTRACTS REALISED USING ECS

- **Electronic contracting system (ECS)** – a tool for fully automated placement of tenders, which automatically generates contracts based on results of the competition; it is also a central trading place – obligatory for contracting authorities and voluntary for anybody who registers to the system (free of charge)
- the purpose of the analysis was to examine in detail the ECS setting in terms of competition protection
- suspicion that it may have come to coordinated behaviour between undertakings during public procurement
- on 6 June 2017 Office initiated based on its own initiative the **administrative proceedings in the matter of possible agreement restricting competition**
- Office has proposed technical changes to the system which should prevent the possible coordination

OTHER ACTIVITIES/ADVOCACY - WHISTLEBLOWER AND SUBMITTING

- **Methodological guideline** issued in May 2017
 - clarifies Office's procedure when whistleblower submits the evidence and applies for the protection of identity
 - introduces internal measures to protect identity
 - explains what documentation and information the whistleblower should submit

OTHER ACTIVITIES/ADVOCACY REVISION OF METHODOLOGICAL GUIDELINE

- **public consultation** by the end of January 2018 on guidelines on setting fines in cases of abuse of dominant position and agreements restricting competition
- Office has revised its guidelines from 2008
 - reasons: longer period of the validity of the methodological guideline (issued in 2008), practical experience with application, specific cases, the economic substance of fining system, etc.
- Office would like to publish the final version of the revised guidelines afterwards

ECN+/PROPOSAL FOR EMPOWERING NCAs TO BE MORE EFFECTIVE ENFORCERS

- the Slovak Republic supports the proposal
- Office is actively participating in the discussions currently on going in the EU Council
- Directive Proposal concerns important issues, one of them is the EU mechanism for enforcing fines on undertakings which is currently missing at the EU level



**Thank you
for your attention**

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