



# Competition law enforcement & legislative developments in Poland 2017

Budapest, February 5, 2018.

# Legislative developments

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1. new law on abuse of contracting power (unfair trade practices) in the food supply chain - July 2017
    - scope: the whole food supply chain (1 mln farmers, + 5.000 other entrepreneurs)
    - fines up to 3% of annual turnover
    - enforcement powers: UOKiK (Bydgoszcz R.O.) + Agricultural Markets Agency
    - more than 10 preliminary investigations
  2. new law on private damages actions for infringements of competition law – June 2017
    - no requests for access to file or other assistance from courts as of today
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# Whistleblower program

- introduced in April 2017 as a „pilot program”
- new hotline and e-mail address
- promotional campaign
- by the end of 2017, **1800 “market signals”**
- to be developed further

# New dawn-raid procedure

- old procedure:
  - all electronic evidence copied and later analysed at UOKiK
  - no access of the entrepreneur to the analytical process
  - Competition Court: procedural fairness dictates that the entrepreneur be granted oversight of the analytical process
- new procedure:
  - the sifting of electronic evidence is performed on location
  - only pre-selected, relevant evidence copied
  - takes roughly **3-4 times longer** (on location), i.e. about 2 weeks
  - despite this, **8 dawn raids performed at 18 locations**

# Enforcement statistics

- 18 decisions overall
- **2 cartel decisions** (DOK-3/2017 and RWR-13/2017)
- 1 high-profile case: fibre- and particle-board cartel
- 7 bid-rigging infringement decisions
- 23 fines imposed, totaling € 35.5 mln
- external guidelines on access to file published

# Merger control

- 206 decisions (similar number in 2016 and 2015)
- 11 cases advanced to Phase II
- 11 notifications withdrawn
- 1 conditional clearance
- 3 fines for failure to notify (totalling € 200'000)
- 1 fine for refusal to provide information
- 1 unannounced inspection

# Thank you for your attention

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