

## Poland

- The Polish Competition Act does not provide for a reduction of fines for companies that have adopted a compliance program.
- The Competition Authority's Fine Guidelines do not include, as a mitigating factor leading to a lower fine, the adoption of a compliance program.
- To our knowledge, the Authority has not reduced a fine as a result of the adoption of a compliance program.
- There are no announced plans to introduce a measure to reduce a fine because of having carried out a compliance program.
- Currently, the Competition Authority is focused on learning about possible violations of the Competition Act from leniency applicants and whistleblowers.

## **Issues raised by a Competition Authority reducing a fine because a company adopted a compliance program**

- Should the absence of adopting a compliance program lead to a higher fine? If so, is that fair?
- What if the compliance program uncovers a competition violation and the company did not cease its participation quickly or at all?
- What if the compliance program uncovers a competition violation and the company did not report the violation to the Competition Authority?
- What if a manager, who has been instructed in a compliance program, is at the time or later directly involved in a violation? Is that an aggravating factor that could be used against the individual and/or the company?
- If a Competition Authority considers the adoption of a compliance program to be desirable, what steps can it take to ensure that all companies, large and small, have access to a suggested compliance manual?