

# Developments of the Slovak Competition Law

Visegrad 4 Competition Conference

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# Recent Legislative Developments

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- Most recent amendments to the Act on Protection of Competition (1 January 2012)
  - ▣ Changes in merger control rules
  
- Draft amendment to the Act on Protection of Competition (December 2013)
  - ▣ Further convergence of Slovak competition law with the EU law
  
- Prioritisation Policy

# Implemented Changes in a Merger Control Regime

- Adjustment of turnover criteria of targeted company
- Introduction of a two-phase assessment process
- Introduction of SIEC test (Significant Impediment of Effective Competition)

# Draft Amendment to the Act on Protection of Competition

- December 2013
  - Draft amendment to the Slovak Competition Act submitted into the legislative process
- January – February 2014
  - Interministry comment procedure
- 18 February 2014
  - The draft amendment passed by the Legislative Council of the Government
- Approval of the Government of the SR
- National Council of the SR
- 1 July 2014
  - Expected effective date of the amendment

# Major changes

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- Acceleration and simplification of merger control regime
  - ▣ Changes in the system of time limits
  - ▣ Prepared forms for notifications
- Formal introduction of the settlement procedure (applicable to all substantive infringements)
- Refinement of the leniency programme and de minimis rules
- More favourable treatment of leniency immunity recipients with regard to damages actions
- Rights of defence and protection of information in the administrative proceedings
- Rewards for informants in cartel cases
- Change in management of the AMO

# Reward for informants

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- Brand new instrument in Slovak competition law
- Complementary investigative tool to leniency programme
- Main reasons:
  - to boost cartel investigations
  - to induce leniency applicants to approach the AMO
  - deterrence towards cartels

# Applicant and Reward

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- Natural person only, not employee of the leniency applicant
- He/she should provide the AMO with:
  - ▣ Documents being the decisive evidence of the infringement or
  - ▣ Information and evidence enabling the targeted inspection
- The evidence must be substantial for the decision finding the infringement
- Reward of 1 % of the fine imposed, max. 100 000 EUR
  - ▣ After the fine was paid
  - ▣ If the fine was not paid within the set time limit, reward reduced to 50%, max. 10 000 EUR

# Prioritisation Policy

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- Formal introduction of prioritisation in the form of a soft law
- Priorities:
  - Most serious infringements – cartels (bid rigging)
  - Sectors
    - Financial sector
    - Food industry
    - Heating sector

# Thank you for your attention!

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