



Polish Enforcement Practice with focus on bid rigging cases

V4 Competition Conference
Budapest, 20 March 2014

- I. Bid rigging - „hot” topic in Poland
- II. Some challenges in practice
- III. New instruments for enhanced detection and enforcement
- IV. Case No. RKT-46/2013
- V. Court review - case XVII AmA 181/11

I. Bid rigging - „hot” topic in Poland

Elimination of unlawful agreements in public procurement - UOKiK's priority

⇒ Competition Policy for years 2011-2013

⇒ Competition Policy for years 2014-2018

I. Bid rigging - „hot” topic in Poland

CASES

antimonopoly proceedings

- mining industry

- IT equipment

- bread products delivery

- agricultural sector

- municipal waste management

- maintaining roadside soil and tidiness of lanes

+ several explanatory proceedings

II. Some challenges in practice

- ⇒ Hard to detect/secret nature of agreements significantly hampers obtaining direct evidence
- ⇒ Low awareness of tender organisers
- ⇒ Small number of signals from the market
- ⇒ Criminal liability/no leniency programme applicable to individuals
- ⇒ Short limitation periods

III. New instruments for enhanced detection and enforcement

- ⇒ Amendments to Competition Law
- ⇒ Intensified cooperation and exchange of information with other authorities and institutions (Public Procurement Office, Central Anti-Corruption Bureau, Internal Security Agency, Police, Prosecutor Office)
- ⇒ Improvement of internal source of information:
 - use of analytical tools
 - developing a „screening” programme
- ⇒ Advocacy initiatives

IV. Case No. RKT-46/2013

- ⇒ UOKiK's decision of December 2013
- ⇒ Fining three producers of specialist products for coal mining for:
 - bid-rigging,
 - price-fixing,
 - market-sharing
- ⇒ Evidence provided thanks to cooperation with Public Prosecutor's Office and the Internal Security Agency
- ⇒ Sanction of approx. 4.5 million EURO

V. Court review - case XVII AmA 181/11

UOKiK's decision of September 2011, No. RKT-25/2011

- ⇒ Two tender participants - a married couple in legal separation
- ⇒ Each conducting their own business activity of manufacturing horizontal and vertical road signs independently
- ⇒ Appeal to Court of Competition and Consumer Protection

Court's ruling XVII AmA 181/11

- ⇒ Decision overruled
- ⇒ Married couple as single economic unit
- ⇒ Case pending in II instance

Thank you

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