



WE HAVE THE PLEASURE OF PRESENTING TO YOU THE LATEST EDITION OF KSP LEGAL ALERT IN WHICH WE DESCRIBE AMENDMENTS TO THE POLISH ANTITRUST LAW EFFECTIVE FROM 18 JANUARY 2015. WE HOPE THIS PUBLICATION IS OF INTEREST TO YOU.

## Changes to the antitrust law

On 18 January 2015, the Competition and Consumer Protection Act of 16 February 2007 was amended to incorporate some institutions so far unknown in the Polish antitrust law system, such as personal liability of enterprise managers or voluntary submission to penalty.

### Personal liability of company management

The amendment provides for the notion of personal liability of company managers who deliberately, as part of their functions, through their actions or omissions, violated the ban on competition-restricting arrangements.

A company manager is an individual managing the enterprise, in particular holding a managerial function or being a member of the enterprise's governing body. The manager shall be accountable for actions and omissions that have occurred from the date of entry into force of the amending act, i.e. since 18 January 2015.

The pecuniary penalty to be imposed by a decision of the President of the Office of Competition and Consumer Protection [UOKiK] may amount to PLN 2,000,000.00.

### Voluntary submission to penalty and penalty mitigation programme

An entrepreneur who files a statement of voluntary submission to penalty, accepts the proposed amount of the penalty and abstains from appealing against the decisions made by UOKiK may have the penalty reduced by 10%.

Cooperation with UOKiK may lead to waiving the penalty imposed or reduction of its amount. Where the entrepreneur, as the first participant in price fixing arrangements, notifies UOKiK of such arrangements, the entrepreneur may have the penalty waived. Also, the entrepreneur may have the penalty additionally reduced in return for providing information about another arrangement in which it participated.

# LEGAL ALERT

02/2015

## Change to the limitation period

The period of limitation of competition-restricting practices was extended from one to five years. The limitation period starts at the end of the year in which the competition restricting practices were discontinued.

## Length of the antitrust proceedings

According to the new regulations, the antitrust proceedings in cases involving concentration should be completed within one month of their commencement. In cases of particular complexity, the length of the proceedings may be extended by 4 months. All in all, the duration of antitrust proceedings should not exceed 5 months.

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If you wish to be provided with additional information in this respect, please contact us:

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