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Sanctions, enforcement powers and advocacy tools of national authorities - POLAND

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Poland largely adapted its national antitrust law to be aligned with EU legal standards.

Relevant legislative changes came into force in 2004 and in 2007.

The most recent major amendment of the Polish Competition Act came into force in January 2015.

Enforcement powers

The Amendment of 2015, aimed at equipping UOKiK with new investigative powers in order to increase its effectiveness in detecting cartels and other serious violations of competition law:

- **liability of managers** for violations of the prohibition of reaching anti-competitive agreements,
- **settlements**,
- **remedies** (behavioural and structural),
- the Polish leniency program was expanded by **leniency plus** and by **leniency for individuals**,
- the introduction of a **two-stage merger control procedure**.



Sanctions

Penalties imposed **on companies up to 10% of the turnover** of the given company in the year preceding the penalty decision.

Since January 2015, **managers** may be liable and fined **for entering competition-restricting agreements up to the Polish currency equivalent of EUR 500,000.**



❖ Numerous media campaigns:

- targeted at consumers (UOKiK also deals with consumer protection),
- promoted the leniency program (radio and TV spots, press publications and direct mailing of information materials and OCCP president's letter sent to several hundred largest enterprises in Poland),
- drew attention to the problem of collusive bidding (an exchange of information between different governmental authorities and training conducted by OCCP for employees of these institutions and for large contracting parties).

❖ Participation in the legislative process



Conclusions

UOKiK has all the investigative instruments and other fining or settlement powers that are necessary and useful in the effective market protection.

There is a challenge to find the right balance between the two areas of the activities of UOKiK - competition policy and the protection of collective consumer rights.

The position of the UOKiK President in the structure of the Polish governing and administrative institutions is not strong and independent enough and it is a subject for discussion how it should be changed in the future.



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THANK YOU

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