

**Gazdasági Versenyhivatal
(GVH, the Hungarian Competition Authority)**

**FORM FOR THE SUBMISSION OF
COMPLAINTS
RELATING TO
AGREEMENTS RESTRICTING
COMPETITION,
ABUSE OF DOMINANT POSITION
AND
FAILURE TO APPLY FOR
AUTHORIZATION OF A
CONCENTRATION**

under Articles 43/G(1) and 43/H(1) of the several times
amended Act LVII of 1996 on the Prohibition of Unfair and
Restrictive Market Practices

*The English version of the application form serves information
purposes. Applications may only be submitted in Hungarian
language. (For further information see footnotes 6 and 7 of the form.)*

Applicable from 1 September 2008

INTRODUCTORY INFORMATION

The 2005 amendment¹ of the Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices (hereinafter: PURA) has reshaped the former institution of complaints. According to the amendment, as from 1 November 2005, there are two procedural ways to submit complaints to the Hungarian Competition Authority (hereinafter: GVH) concerning behaviours infringing the provisions of the PURA: either by using the present form published by the GVH (complaints) or in an informal way by letters or e-mails (informal complaints).

This part of the form – by means of questions and answers - provides introductory information on complaints and on how to fill in the form.

Cases in which complaints may be submitted to the GVH on this form

According to Article 43/G(1) of the PURA on observation of a conduct infringing Article 11, 21 or 24 of the PURA or Article 81 or 82 of the EC Treaty², any person may make a complaint or an informal complaint to the GVH.

This means that complaints may be submitted on this form exclusively in the following cases:

- agreements or concerted practices of undertakings or decisions by social organisations of undertakings, public corporations, associations or other similar organisations restricting economic competition,
- abuse of a dominant position,
- failure to submit, within the time limit set for the submission, an application for the authorization of a concentration.

Decision-making in individual disputes on the conclusion, validity, fulfilment or breach of contracts between undertakings does not fall in the competence of the GVH. (Such a dispute is for example that in which a customer is dissatisfied with the quality of a product and intends to enforce warranty.)

Similarly, conducting proceedings in the case of the infringement of the prohibitions in Chapter II of the PURA (Articles 2-7) on unfair market practices belongs to the jurisdiction of the court.³ Therefore the court proceeds in cases initiated against infringements like the injury of reputation or credibility; the acquisition, use or disclosure of business secrets in an unfair manner; the infringement in any manner of the fairness of any bidding process.

The GVH may take action against conducts infringing Chapter III of the PURA on Prohibition of Unfair Manipulation of Business Decisions, furthermore against certain infringements of the Act XLVII of 2008 on the Prohibition of Unfair Business-to-Consumer Commercial Practices (hereinafter: UCPA) and of the Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities. Complaints relating to the former infringements shall be submitted on the respective forms.

¹ Act LXVIII of 2005 on the amendment of the Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices

² A description of these provisions can be found at the blanks 3.1.1., 3.1.2. and 3.1.3. of the form. The text of the PURA and that of the EC Treaty is available on the website of the GVH (www.gvh.hu).

³ See Article 86 of the PURA

Before the submission of a complaint it is worth to get orientation on whether the conduct of a procedure in a given case belongs to the competence of the GVH or to that of another authority.⁴

Who is entitled to submit a complaint?

Any person may submit complaints or informal complaints to the GVH. There is no need for the complainant to be directly affected by the infringement, it does not have to prove the existence of any individual injury. On the other hand, the purpose of the proceeding of the GVH is not to remedy individual injuries as it is initiated for the protection of the public interest and the tools available for the GVH does not enable ordering indemnification for individual injuries.

Seeking remedies for personal injuries

Private enforcement triggered by infringements of the PURA (e.g. claims for damages, invocation of the nullity of an agreement, claims deriving from the infringement of contractual obligations) is possible in the form of private court actions. A person, whose right or lawful interest was violated, can turn to the court even if it did not submit a complaint to the GVH or if no proceeding of the GVH was initiated based on its complaint.

In what form can complaints be submitted?

According to Article 43/H of the PURA, complaints can be submitted by means of the form published by the GVH. The form can be downloaded from the website of the GVH (www.gvh.hu) or is available at the Inquiries of the GVH (1054 Budapest, Alkotmány utca 5) or can be received⁵ upon request by post.

The completed form can be submitted personally at the Inquiries or by post⁶. Submission by e-mail is only possible if the complainant has an electronic signature at least on the level of advanced signatures as defined in the Act XXXV of 2001 on Electronic Signatures⁷.

Rights of the complainants

The complainant has the right to have its complaint assessed by the GVH. The complainant may request non-disclosure of his identity or of the fact that he made a complaint to the GVH. It may ask for the confidential treatment of the data constituting its business secrets. The complainant may seek legal remedy against an injunction of the GVH establishing that the conditions for the opening of an investigation are not fulfilled, within a period of eight days of the conveyance of the injunction. Applications for a legal remedy are considered by the Municipal Court of Budapest in a non-litigious procedure.

⁴ Such an authority could be e.g. the Hungarian Energy Office, the Hungarian Consumer Protection Authority, the county inspectorates for consumer protection and the National Communications Authority. Information on the competence of the GVH can be obtained at the Inquiries of the GVH personally (1054 Budapest, Alkotmány utca 5), by phone (+36-1-4728851 from Monday to Thursday between 8.00 and 16.30, on Friday between 8.00 and 14.00), by fax (+36-1-4728905), by letter (1245 Budapest 5 POBox 1036) or by e-mail (ugyfelszolgalat@gvh.hu).

⁵ Paper and electronic versions of the form can be requested by fax, mail or e-mail at the addresses indicated above in footnote 4.

⁶ Only the Hungarian language version of the form filled in/completed in Hungarian can be accepted.

⁷ In this case, forms filled in/completed in Hungarian are to be sent to the address bejelentenes@gvh.hu

Obligations imposed on complainants

For the assessment of the complaint the GVH may request further information from the complainant and may hold a personal hearing as well. However, neither procedural fines may be imposed on a complainant refusing to cooperate in the course of the procedure, nor coercive measures may be applied against it. In such situations the GVH makes its resolution based on the available information.

In what time frame does the complainant receive reaction?

Complaints are assessed by the GVH within 60 days of receipt. This time limit may be extended by sixty days where justified. The complainant is informed about the extension before the expiry of the first sixty days.

What can be the outcome of a complaint?

Upon complaint the GVH initiates a competition supervision proceeding if, according to the information supplied by the complaint and obtained in the course of the procedure, the behaviour in question is likely to infringe the provisions of the PURA, supposed that the competence of the GVH can be established and the infringement of public interest justifies an investigation to be carried out. The initiation of proceedings is therefore not compulsory if the infringement is likely but the public interest does not require an intervention to be made. (In such a case the complainant may seek remedy for the individual injury in a civil lawsuit before court.) If in the course of the competition supervision proceeding the GVH establishes the infringement, it may prohibit the continuation of the infringement and may impose fine.

Why should the information requested by the form be provided?

The information requested – whether the provision of it is mandatory or not – is essential for the GVH to establish whether the initiation of a competition supervision proceeding is justified or not. This is the reason why it is important that the complainant provides all the information available to it even if it is not mandatory to answer a given question. It is not mandatory to give answers concerning topics in respect of which the complainant cannot be expected to know the facts or data in question.

What are the consequences of the complainant not using the form or using the form, however, not completing it properly?

In case the complainant fails to use the form or does not complete all parts of the form required to fill in properly, the submitted information does not qualify as a complaint.⁸ Such information submitted is considered an informal complaint. The GVH assesses the informal complaints and, supposed it is proved to be well founded, it decides on the commencement of a competition supervision proceeding and informs the complainant about the outcome within thirty days of receipt. The advantage of making an informal complaint is its simple nature and the lack of formalities. The consequence of it is, on the other hand, that such informal complaints are assessed in a simpler procedure and that the complainant cannot appeal to court if the GVH decides not to initiate a proceeding upon the complaint. It should be emphasised however, that, supposed the conditions for the initiation of a competition supervision proceeding are fulfilled, informal complaints will trigger the initiation of competition supervision proceedings in the same way as formal complaints do.

⁸ See Articles 43/G(1) and 43/I(1) of the PURA

Questions deserving utmost attention

The lack of the data necessary for identifying and contacting the complainant makes the assessment of the complaint impossible. A thorough description of the allegedly illegal behaviour is necessary for the establishment whether it is covered or not by the competence of the GVH. Should the complaint relate to a behaviour not covered by the PURA (and therefore not fitting in blanks 3.1.1-3.1.3 of the form), the GVH will not have jurisdiction to assess it.

1. DATA CONCERNING THE COMPLAINANT

1.1. Data for identification

*Required to fill in.
Please be sure you have signed the form at the end, as the signature constitutes a formal requirement for the complaint to be valid.*

Private person:

Name:
 Address:
 Telephone (offering day-time contact):
 Fax:
 E-mail:

Legal person:

Name of the undertaking:
 Number in the register of companies:
 Address:
 Telephone (offering day-time contact):
 Fax:
 E-mail:

Other:⁹

Name:
 Address:
 Telephone (offering day-time contact):
 Fax:
 E-mail:

1.2. Capacity in which the complaint is made

*Required to fill in.
Please mark the right answer with an 'X' and complete it respectively.*

- in your own name
- as the legal representative of the complainant¹⁰, that is
.....
- as the proxy of the complainant¹¹, that is
.....

⁹ According to Article 43/G(1) of the Competition Act, any person may make a complaint to the GVH in respect of conducts, which fall within the competence of the GVH. That is, not only private or legal persons but e.g. also interest representation organisations may make a complaint. For complainants, who do not qualify as private persons or undertakings, the blank 'Others' is obligatory to fill in.

¹⁰ For instance, in the case of companies, the executive official may be the legal representative.

¹¹ According to Articles 43/G(2) and 54 of the Competition Act, in the procedures of the GVH relating to complaints of informal complaints the following persons may proceed as proxy:
 a) a fellow complainant (together with whom he files the complaint), further his legal representative or proxy,

1.3. Data concerning the legal representative or the proxy filing the complaint	<i>Required to fill in if the complaint is made by the legal representative or the proxy of the complainant. Please enclose the authorisation.</i>
Name: Address: Telephone (offering day-time contact):	
1.4. Your relationship with the undertaking(s) complained of:	<i>Required to fill in. Please mark the right answer with an 'X'.</i>
<input type="checkbox"/> You are [the person or organisation represented by you is] its consumer ¹² <input type="checkbox"/> You are [the person or organisation represented by you is] its trading party ¹³ <input type="checkbox"/> You are [the person or organisation represented by you is] its competitor <input type="checkbox"/> You are [the person or organisation represented by you is] a member of its distribution network <input type="checkbox"/> You are [the person or organisation represented by you is] its supplier <input type="checkbox"/> It is a supplier of you [of the person or organisation represented by you] <input type="checkbox"/> You are (were) an employee of it <input type="checkbox"/> Other	
1.5. Do you request non-disclosure of your identity or of the fact that you have submitted a complaint to the GVH?	<i>Please mark the right answer with an 'X'. Please note that in the case you do not answer this question the GVH may disclose your identity or the fact that you have submitted a complaint.</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	

- b) a relative of the complainant (i. e. his/her spouse, next of kin, adopted children, stepchildren, foster children, adoptive parents, stepparents, foster parents, brothers or sisters, common-law husband/wife, spouse, fiancé/fiancée of the next of kin, next of kin or brothers or sisters of his/her spouse and spouse of his/her brothers and sisters),
- c) a lawyer or a law firm,
- d) an official in charge of a state body in cases relating to the activities of such a state body,
- e) a member or an employee of an economic organisation authorized to perform management responsibilities in cases related to the activities of such an economic organisation,
- f) an interest representation organisation representing the interests of persons interested in the economic activity concerned, and
- g) persons authorized by law to proceed in such a capacity.

¹² Only natural persons (and no firms) may be qualified as consumers, who are inexperienced from the case's point of view, because pursuant to Article 2a) of the UCPA consumer shall mean any natural person who is acting for purposes which are outside his trade, business or profession. Pursuant to Article 2/A(1) of the PURA for the purposes of the PURA consumers are customers, purchasers and users qualifying as consumers within the meaning of the UCPA.

¹³ Pursuant to Article 2/A(2) of the PURA the term "trading party" means any person, who or which does not qualify as a consumer.

DATA CONCERNING COMPLAINANT

1.6. Name of the undertakings over which you exercise, or of those, which exercise over you, direct or indirect control pursuant to Article 23¹⁴ of the Competition Act

The question applies to undertakings only and not required to fill in.

.....

1.7. Main field of operation of your undertaking and the geographical area within which this operation is performed

The question applies to undertakings only and not required to fill in.

.....

¹⁴ For the purposes of the Competition Act, direct control is exercised by a sole undertaking, or by more than one undertaking jointly, which has/have the ownership of the interests or shares of another undertaking entitling it/them to exercise majority voting rights, or which is/are holder(s) of more than fifty per cent of the voting rights; or which is/are entitled to appoint, elect or recall the majority of the executive officials of another undertaking; or are entitled by contracts to exercise decisive influence on the decisions of another undertaking; or acquire the ability on a factual basis to exercise decisive influence on the decisions of another undertaking. For the purposes of the Competition Act, indirect control is exercised by an undertaking over another undertaking which is controlled, solely or together with it, by a third undertaking under its control or is jointly controlled by third undertakings under its control. At the same time, for the purposes of the Competition Act, activities of an office-holder relating to winding up and dissolution of undertakings do not qualify as the exercise of control.

2. DATA CONCERNING THE UNDERTAKING(S) COMPLAINED OF	
2.1. Information for identification	<i>Required to fill in.</i>
Name [company name]:	
Address [seat]:	
2.2. Name of the undertakings over which the undertaking(s) complained of exercise(s), or of those, which exercise over the undertaking(s) complained of, direct or indirect control pursuant to Article 23 of the Competition Act	<i>Not required but advisable to fill in as the answer might be important in deciding whether to start a proceeding or not.</i>
.....	
2.3. Main field of operation of the undertaking(s) complained of, and the geographical area within which this/these operation(s) is/are performed	<i>Not required but advisable to fill in as the answer might be important in deciding whether to start a proceeding or not.</i>
.....	

3. THE SUBJECT-MATTER OF THE COMPLAINT AND THE FACTS RELATED TO THE ALLEGED INFRINGEMENT

A) Identification of the alleged infringement and information regarding the market affected by the infringement

3.1. Conduct of the undertaking(s) complained of you are complaining about; answer, please, the questions, belonging to the given type of infringement.¹⁵

Choose one or more of the infringements contained in blanks 3.1.1., 3.1.2. and 3.1.3. Please note that the sub-questions belonging to the infringement types are also required to be answered.¹⁶

**3.1.1. Agreements restricting economic competition¹⁷
(Article 11 of the PURA / Article 81 of the EC Treaty)**

*Required to fill in.
Please mark the right answer with an 'X'. (You may choose more than one option.)*

The undertaking complained of participated in an agreement or jointly with another undertaking committed concerted practices, or the social organisation of undertakings, public corporation, association or other similar organisation to which this complaint relates made a decision which

- directly or indirectly fixed purchase or selling prices or other business terms,
- limited or controlled production, distribution, technical development or investment,
- shared sources of supply, or restricted the possibility of their choice,
- excluded a specified group of consumers or trading partners from purchasing certain goods,
- shared the market,
- aimed at excluding from sales, or restricted the choice of marketing possibilities,
- hindered market entry
- in respect of transactions of the same value or character, discriminated between trading partners, as a consequence of which they have been placed at a competitive disadvantage (e.g. through the application of discriminative prices, period of payments,

¹⁵ Before filing a complaint, it is advisable to check the competence of the GVH, i.e. whether the infringement you are complaining about falls in the competence of the GVH or other authorities (e.g. Hungarian Energy Office, National Communications Authority). A complaint may be filed to the GVH on this form in the following cases: agreements (coordinated practices) restricting economic competition, abuse of dominant position, failure to submit, within the time limit set for the submission, an application for the authorization of a concentration. Please note that the assessment of violations of the prohibition of unfair competition under Chapter II of the Competition Act, in accordance with Article 86, belongs to the competence of the court. Accordingly, the court is competent in cases where the reputation or credibility of a competitor is injured or jeopardised; business secrets are acquired, used or disclosed; or the fairness of any bidding process is infringed in any manner.

Though you will be informed about the rejection of the complaint in the case the GVH does not have the competence, it is still worth getting guidance concerning the competence of the GVH, as the enforcement of your claim might be unnecessarily delayed by the rejection.

Information on the competence of the GVH can be obtained at the Inquiries of the GVH personally (1054 Budapest, Alkotmány utca 5), by phone (+36-1-4728851 from Monday to Thursday between 8.00 and 16.30, on Friday between 8.00 and 14.00), by fax (+36-1-4728905), by letter (1245 Budapest 5 PO Box 1036) or by e-mail (ugyfelszolgalat@gvh.hu).

¹⁶ For instance, if you suspect that an undertaking abuses its dominant position, you shall mark one of the points in 3.1.2. Following that, you are required to answer the questions in blanks 3.1.2.1. to 3.1.2.10. There is no need for you to answer the questions that belong to other infringement types regardless of the fact that they are marked "required to fill in".

¹⁷ Your attention is herewith drawn to the fact that the prohibition of agreements restricting competition covers undertakings which are independent of each other (Article 15 of PURA)

selling or purchase terms and conditions) <input type="checkbox"/> made the conclusion of a contract subject to the acceptance of obligations which, by their nature or according to commercial usage do not belong to the subject of such contracts <input type="checkbox"/> other ¹⁸ : and had in this way as their object or potential or actual effect the prevention, restriction or distortion of competition.	
3.1.1.1. Describe full details of the facts and events through which the infringement you indicate was committed	Required to fill in.
.....	
3.1.1.2. Is there any contractual relationship between you and the undertaking(s) complained of?	Required to fill in. Please mark the right answer with an 'X'.
<input type="checkbox"/> Yes <input type="checkbox"/> No	
3.1.1.3. Since when has the alleged infringement been subsisting / for how long did it last? (from ... to ...)	Required to fill in.
.....	
3.1.1.4. According to your opinion, why does the alleged infringement impair competition?	Required to fill in.
.....	
3.1.1.5. Products and services affected by the alleged infringement	Required to fill in.
.....	
3.1.1.6. Do you have information about possible imports or exports of the product(s) concerned or of any raw materials or accessories which are in connection with the product(s) concerned?? If yes, in what volume and in respect of which countries?	Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.
.....	

¹⁸ If you indicate any behaviour which is in addition to the items on the list, take into consideration that agreements or concerted practices between undertakings and decisions by social organisations of undertakings, public corporations, associations or other similar organisations qualify as unlawful only if they have as their object or potential or actual effect the prevention, restriction or distortion of competition.

3.1.1.7. Indicate the geographic area you consider is affected by the alleged infringement. Should you mark the first or the third choice, please specify the geographic area.

Not required to fill in but advisable as the answer might be important in deciding to start proceedings or not - so it is recommended to fill in.

Please mark the right answer with an 'X' and properly complete.

The alleged infringement affects

a part of Hungary, namely:

.....

the whole territory of Hungary.

areas outside Hungary as well, namely:

.....

3.1.1.8. Please give your arguments with regard to your answer to the question in the previous blank.

Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.

.....

3.1.1.9. Please characterize the relevant market and the position of the undertaking complained of in particular with regard to the following aspects:

Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.

- **Which products or services do you deem rational substitutes for the products or services, which are affected by the objected behaviour?**
- **To your knowledge, which are the major competitors, with regard to the products and services concerned, of the undertaking complained of?**
- **If you know please give data on the market share of the undertaking complained of on the market of the relevant products; indicate the source of these data or give information about the method by means of which you calculated this market share.**

.....

3.1.2. Abuse of dominant position¹⁹

(Article 21 of the PURA / Article 82 of the EC Treaty)

Required to fill in.

Please mark the right answer with an 'X'. (You may choose more than one option.)

The undertaking complained of abused its dominant position when ...

- in its business relations, including the application of standard contractual terms, it set unfair purchase or selling prices.
- in its business relations, including the application of standard contractual terms, it stipulated unjustified advantages or it forced other parties to accept disadvantageous conditions.
- it limited production, distribution or technical development to the detriment of consumers.
- it refused, without justification, to establish or maintain business relations appropriate for the type of transactions.
- it influenced the businesses decisions of the other party in order to gain unjustified advantages.
- it withdrew, without justification, the goods from circulation or withdrew them from trade prior to a price increase or with the purpose of causing a price increase in any other manner which might possibly produce unjustified advantages or was suitable to cause competitive disadvantage.
- it made the supply or acceptance of goods subject to the supply or acceptance of other goods.
- it made the conclusion of the contract subject to the acceptance of obligations which, by their nature or according to commercial usage, do not belong to the subject of such contracts.
- in the case of transactions which are equivalent in terms of their value or character it discriminated, without justification, between trading parties thereby placing certain trading parties at a competitive disadvantage (e.g. it discriminated its trading partners concerning the applied prices, periods of payment, or it applied discriminatory selling or purchase terms and conditions or methods).
- it applied extremely low prices which were not based on greater efficiency in comparison with that of competitors and which were likely to drive out competitors from the relevant market or to hinder their market entry.
- it hindered, without justification, market entry.
- it created, without justification, disadvantageous market conditions for competitors, or influenced their business decisions in order to obtain unjustified advantages.
- other:

3.1.2.1. Describe full details of the facts, events through which the infringement you indicate has been committed!

Required to fill in.

.....

¹⁹ A dominant position shall be deemed to be held on the relevant market by persons who are able to pursue their business activities to a large extent independently of other market participants substantially without the need to take into account the market reactions of their suppliers, competitors, customers and other trading parties when deciding on their market conduct. In the lack of sufficient level of certainty that the undertaking has dominant position the abuse cannot be presumed.

<p>3.1.2.2. Is there any contractual relationship between you and the undertaking(s) complained of?</p>	<p><i>Required to fill in. Please mark the right answer with an 'X'.</i></p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>3.1.2.3. Does the behaviour to which your complaint relates to have any connection with the contractual relationship you have with the undertaking to which your complaint refers to? If so, to what extent?</p>	<p><i>Required to fill in if the answer for the previous question was 'Yes'.</i></p>
<p>.....</p>	
<p>3.1.2.4. Since when has been the alleged infringement subsisting / for how long did it last? (from ... to ...)</p>	<p><i>Required to fill in.</i></p>
<p>.....</p>	
<p>3.1.2.5. According to your opinion, why does the alleged infringement impair competition?</p>	<p><i>Required to fill in.</i></p>
<p>.....</p>	
<p>3.1.2.6. Products and services affected by the alleged infringement</p>	<p><i>Required to fill in.</i></p>
<p>.....</p>	
<p>3.1.2.7. Do you have information about possible imports or exports of the product(s) concerned or of any raw materials or accessories which are in connection with the product(s) concerned? If yes, in what volume and in respect of which countries?</p>	<p><i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.</i></p>
<p>.....</p>	
<p>3.1.2.8. Indicate the geographic area you consider is affected by the alleged infringement. Should you mark the first or the third choice, please specify the geographic area.</p>	<p><i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in. Please mark the right answer with an 'X' and properly complete.</i></p>
<p>The alleged infringement affects</p> <p><input type="checkbox"/> a part of Hungary, namely:</p> <p><input type="checkbox"/> the whole territory of Hungary.</p> <p><input type="checkbox"/> areas outside Hungary as well, namely:</p>	

3.1.2.9. Please give your arguments with regard to your answer to the question in the previous blank.

Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.

.....

3.1.2.10. Please characterize the relevant market and the position of the undertaking complained of in particular considering characteristics as follows:

Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.

- **Which products or services do you deem rational substitutes for the products or services, which are affected by the objected behaviour?**
- **To your knowledge, which are the major competitors, with regard to the products and services concerned, of the undertaking complained of?**
- **If you know please give data on the market share of the undertaking complained of on the market of the relevant products; indicate the source of these data or give information about the method by means of which you calculated this market share.**

.....

**3.1.3. Failure to apply for the necessary authorization of a concentration
(Article 24 of the PURA)**

*Required to fill in.
Please mark the right answer with an 'X'. (You may choose more than one option.)*

The undertaking(s) complained of failed to apply within the given deadline for the necessary authorization of their concentration to the GVH although they were obliged to do so based on the thresholds determined in Article 24 of the PURA. A concentration is effected since the undertaking(s) complained of

- merged with one (or more) undertaking(s) which was (were) previously independent of it/them,
- merged into another undertaking, which was previously independent of it/them,
- integrated an undertaking, which was previously independent of it/them,
- integrated a part of an undertaking, which was previously independent of it/them,
- acquired sole or joint indirect control over the whole or parts of one or more than one other undertaking which have been independent of it/them,
- acquired sole or joint direct control over the whole or parts of one or more than one other undertaking which have been independent of it/them,
- together with an undertaking independent of it/them, jointly created an undertaking controlled by them, which is able to perform on a lasting basis all the functions of an independent undertaking.

3.1.3.1. Please indicate the information based upon which you alleged that the undertaking complained of has completed a concentration, which would have needed to be authorized under Article 24 of the PURA!

Required to fill in.

.....

3.1.3.2. Date and event of which you deem the period determined for the submission of an application for the necessary authorization has begun²⁰

Required to fill in.

.....

²⁰ Pursuant to Article 28(2) and (3) of the PURA, an application for authorization shall be submitted within thirty days of the date of the publication of the invitation to tender, the conclusion of the contract or the acquisition of the controlling rights, whichever of them is the earlier. In cases of concentrations of credit institutions or insurance undertakings, the application for authorization shall be submitted to the GVH on the same date as the application for permission to be submitted to the branch supervisory authority as provided for under separate legislation.

3.1.3.3. Information supporting that the concentration in question fulfils the thresholds of Article 24 of the PURA²¹

Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.

.....

²¹ Pursuant to Article 24 of the PURA, for a concentration of undertakings, the authorization of the GVH shall be sought in cases where the aggregate net turnover of all the groups of undertakings concerned (Article 26(5)) and the undertakings jointly controlled by undertakings members of the groups of undertakings concerned and other undertakings exceeded HUF fifteen billion in the preceding business year, and the net turnover of each of at least two of the groups of undertakings concerned in the preceding business year combined with the net turnover of the undertakings jointly controlled by undertakings members of the respective group of undertakings and other undertakings was more than HUF five-hundred-million. In assessing whether the HUF five-hundred-million threshold is met, concentrations not subject to authorization which took place within a two-year period preceding the concentration concerned between the group of undertakings acquiring control and undertakings of the group of undertakings, the controlling powers of which relinquish as a conclusion of the concentration, shall also be taken into account.

In the case of concentrations of insurance undertakings, investment service providers and funds, credit institutions and financial undertakings, in place of net turnover the turnover data indicated in Article 24(3) of the PURA must be taken into account.

B) Evidence supporting that the alleged infringement was committed

3.2. Please indicate what kind of documents or information supporting the alleged infringement (agreements, contracts, memos on meetings, circulars, invoices) you know.

*Required to fill in for every type of infringement specified
If the specified documents are available, please attach a copy of them to this complaint.*

.....

3.3. Please indicate in whose possession are the documents and information mentioned in your answer to the question in the previous blank (if possible with name and contact details).

*The question concerns every type of infringements.
Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.*

.....

3.4. Please identify the persons (if possible with name and contact details) who, in your opinion, can prove the facts described in the complaint.

*The question concerns every type of infringements.
Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.*

.....

4. OTHER INFORMATION	
4.1. Have you ever complained to the GVH about any behaviour of the undertaking complained of, which behaviour is not identical but connected to the subject of the present complaint? If yes, please provide the case number indicated on the reply of the GVH given to that complaint, in the absence of such a number, please identify the case you complained about.	<i>Not required to fill in.</i>
.....	
4.2. Have you complained about the objected behaviour to any other Hungarian or foreign authority, or have you started litigation before courts, or have you raised an objection to the infringement addressed to the undertaking complained of?	<i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.</i>
.....	
4.3. According to your knowledge, have Hungarian authorities other than the GVH or foreign authorities got information about the behaviour complained of, furthermore are (were) there any proceedings before other authorities, in Hungary or abroad, against the undertaking complained of, which was (were) initiated by persons other than you?	<i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.</i> <i>Please mark the right answer with an 'X'.</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.4. If the answers given to questions in blanks 4.2. and 4.3. are affirmative, please provide information about the proceedings before other authorities, with the name of the authority, and possibly with the case number, name of the case-handler and the relevant contact details.	<i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.</i>
.....	
4.5. Please describe all the facts you consider important in relation to the case.	<i>Not required to fill in but advisable as the answer might be important in deciding whether to start a proceeding or not - so it is recommended to fill in.</i>
.....	
4.6. What finding or action are you seeking as a result of the proceeding brought by the GVH?	Required to fill in.
.....	
Submission date of the complaint:	Required to fill in.
.....	

OTHER INFORMATION

Signature of the complainant:

Required to fill in.

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