



FORM FOR THE SUBMISSION OF COMPLAINTS

RELATING TO

ABUSE OF DOMINANCE

Applicable from 1 July 2014

I. Data concerning the complainant

I.1. Information for identification

I.1.1. The complainant

- a) private person
- b) undertaking
- c) other

(please underline the appropriate answer)

I.1.2. The complainant's

- a) name / name of the undertaking
- b) address
- c) number in the register of companies (in the case of an undertaking)
- d) telephone number (not compulsory)
- e) e-mail address (not compulsory)
- f) field of operation of the undertaking and the geographical area within which this operation is performed (in the case of an undertaking)

I.2. Data concerning the legal representative or the proxy filing the complaint

This point is only to be filled in if the complainant is not a private person, or if the private person complainant is not filing the complaint personally.

When filing the complaint it is also necessary to show the authorisation or approbation of rights to represent!

I.2.1. Capacity in which the complaint is made

- a) as the legal representative of the complainant
- b) as the proxy of the complainant

(please underline the appropriate answer)

I.2.2. Data concerning the legal representative or the proxy filing the complaint

- a) name
- b) address
- c) telephone number (not compulsory)
- d) e-mail address (not compulsory)

I.3. Do you request non-disclosure of your identity or of the fact that you have submitted a complaint to the GVH? (please underline the appropriate answer)

- a) Yes
- b) No

I.4. Your relationship with the undertaking complained of (in the case of more than one undertaking, please state your relationship with each undertaking separately)

I.4.1. State your relationship with the undertaking complained of (please underline the appropriate answer(s); more than one answer may be selected)

- a) its consumer
- b) its competitor

- c) a member of its distribution network
- d) its supplier
- e) it is a supplier of mine
- f) I am a (former) employee, owner, executive etc. of it
- g) other

I.4.2. If your answer included I.4.1. f) or g) please state the exact nature of your relationship with the undertaking complained of (in the case of more than one undertaking, please state the exact nature of your relationship with each undertaking separately)

I.4.3. Is there any contractual relationship between you and the undertaking complained of? (please underline the appropriate answer)

- a) Yes
- b) No

II. Data concerning the undertaking(s) complained of

Please indicate all undertakings partaking in the conduct (agreement) that you know of!
Give the data separately for each undertaking; allocate numbers to the undertakings for easier identification if necessary.

II.1. Information for identification

II.1.1. The undertaking complained of [number ...]

- a) name / company name
- b) address / seat
- c) main field of operation of the undertaking complained of
- d) the geographical area within which this operation is performed
- e) is, according to your knowledge, the undertaking complained of a member of an association of undertakings? (please underline the appropriate answer)
 - ea) Yes
 - eb) No
- f) If the undertaking complained of is a member of a group of undertakings, please name the group to which the undertaking complained of belongs, name the rest of the members of the group you know about, and give the following data:
 - fa) name of the group of undertakings
 - fb) undertakings partaking in the group
 - (i) name / company name
 - (ii) address / seat
 - (iii) main field of operation and its geographical area

III. The subject-matter of the complaint

III.1. Please give a detailed description of the conduct (agreement) you are complaining about, what is your reason for filing the complaint.

III.2. Other data

III.2.1. Since when has the alleged infringement been in existence / how long did it last? (from ... to ...)

III.2.2. Products / services affected by the alleged infringement

III.2.3. Please characterise the relevant market and the position of the undertaking complained of and explain your answer (in the case of more than one undertaking, please characterise the relevant market and the position of each undertaking separately).

III.2.4. In your view, what indicates that the undertaking complained of is in a dominant position on the market concerned?

III.2.5. In your view, why does the behaviour complained of constitute an abuse?

Please answer these questions below separately for each undertaking, group of undertakings, or – where possible – product.

- a) Characterise the main attributes of the products or services concerned with the conduct complained of (e.g. fields of use, competing brands, evolution of prices, pricing practices – explain your answer).
- b) What products or services do you think are rational substitutes for the products or services concerned? (explain your answer)
- c) To your knowledge, who are the major competitors, with regard to the products and services concerned, of the undertaking complained of? (explain your answer)
- d) Give or estimate the market share of the undertaking complained of with regard to the products or services concerned.
- e) Give or estimate the consolidated net annual revenue from the previous year of the undertaking or group of undertakings complained of (not compulsory).
- f) Please indicate the source of data or – if relevant – give information about the method you used to arrive at the calculated estimates stated in your previous answers.

III.2.6. The alleged infringement affects

- a) a part of Hungary
- b) the whole territory of Hungary
- c) areas outside of Hungary as well

(please underline the appropriate answer)

III.2.7. Please provide your arguments in support of your answer to the previous question, and in the case of points a) or c) name the presumably affected geographical areas.

III.3. Evidence supporting the alleged infringement

Please attach a copy of the documents at your disposal to the complaint. Please mark each attached document with continual numbering beginning from 1, and indicate here the list of the attached documents with the corresponding numbers. When referring to these documents on other parts of this form it is enough to refer to the numbers given here.

If there is a contractual relationship between the complainant and the undertaking complained of, it is necessary to attach a copy of the contract or contracts regulating that relationship! In the case of more than one undertaking, it is necessary to attach a copy of the contract or contracts regulating that relationship for each undertaking separately.

III.3.1. Please indicate what kind of documents or information supporting the alleged infringement (agreements, contracts, memos on meetings, circulars, invoices, e-mails, price lists, other documents) you know of.

III.3.2. If the evidence supporting the alleged infringement indicated in the previous point is not in your possession, please indicate in whose possession those documents or information is and provide their name and contact details if possible (not compulsory).

III.4. Information concerning previous submissions and procedures relating to the conduct complained of (in the case of more than one undertaking, please answer the following questions separately for each undertaking)

III.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? (please underline the appropriate answer)

- a) I have not previously contacted the GVH about the conduct of the undertaking complained of
- b) Yes, I have filed a complaint to the GVH before about the conduct of the undertaking complained of

III.4.2. If your answer to the previous question was affirmative, please provide the case number indicated on the reply of the GVH given to that complaint, or in the absence of such a number, state when and in what case you filed your previous complaint.

III.4.3. Have you complained about the alleged infringement to any other Hungarian or foreign authority? (please underline the appropriate answer)

a) Yes

b) No

III.4.4. Have you initiated a court proceeding or have you made a complaint to the undertaking complained of concerning the alleged infringement? (please underline the appropriate answer)

a) Yes

b) No

III.4.5. To your knowledge, besides the GVH is any other Hungarian authority or foreign authority in possession of any information about the behaviour complained of, furthermore are there/have there been any proceedings before another authority, in Hungary or abroad, against the undertaking complained of, which have been/were initiated by persons other than you? (please underline the appropriate answer)

a) Yes

b) No

III.4.6. If the answers given to questions III.4.3.-III.4.5. are affirmative, please provide information about the proceedings before other authorities by stating the name of the authority, and where possible, the case number, name of the case-handler and the relevant contact details.

IV.

IV. Data and information in the complaint or attached documents to be handled as business secrets

IV.1. The complaint or the attached documents

- a) **do not contain business or personal secrets**
- b) **contain business or personal secrets**

(please underline the appropriate answer)

IV.2. Identification of business or personal secrets (in the case of a declaration in IV.1.b))

IV.2.1. If you have declared in point IV.1.b) that the complaint or attached documents contain business or personal secrets, please provide the data that allows for the textual identification of such data or information and, furthermore, the reasons – separately for each piece of information – why they are to be handled as business secrets, stating especially the interest that would be harmed if the data were to be known by unauthorised persons. If the complainant undertaking is not the proprietor of the data identified as amounting to business secrets, then it is also necessary to give the name and contact details of the proprietor of the data, and it also has to be likely that the data was obtained legally from its proprietor and it is being handled with respect to the obligation to consider it as business secret.

Please give the answers separately for each piece of information. The textual identification of the data in the document requested to be handled as amounting to business secrets can be done by highlighting the data with a grey marker – where possible –, and by referring to it here, along with appropriate reasoning. The form or an attached document may be referred to via the appropriate point of the form or the number of the attached document.

1. Description and identification of the data by its content, parts of the documents containing the data:

- a) reason for the data to be handled as business secrets (interest to be protected)
- b) proprietor of the data (if it is a different person than the complainant)

IV.2.2. Other declaration regarding the information to be handled as protected data (not compulsory)

V.

VI. Checklist

Through the questions below you can check if you filled in the form properly and whether you have attached the necessary documents and other evidence.

- **I have filled in the appropriate form for notifying an infringing conduct**
- **I have fully filled in and signed the form**
- **I have attached the necessary attachments**
 - Authorisation, approbation of rights to represent
 - Documents supporting the notified infringement (if they are available)
 - Sources of the market share and revenue data
 - Other documents (if they are available)
- **I have indicated in a reasoned declaration if the data contain business or personal secrets.**

Submission date of the notification:

Signature of the complainant or its representative: