

Visegrad Competition Conference

Enforcement Practice in the Czech Republic

Michal PETR
Czech Competition Authority



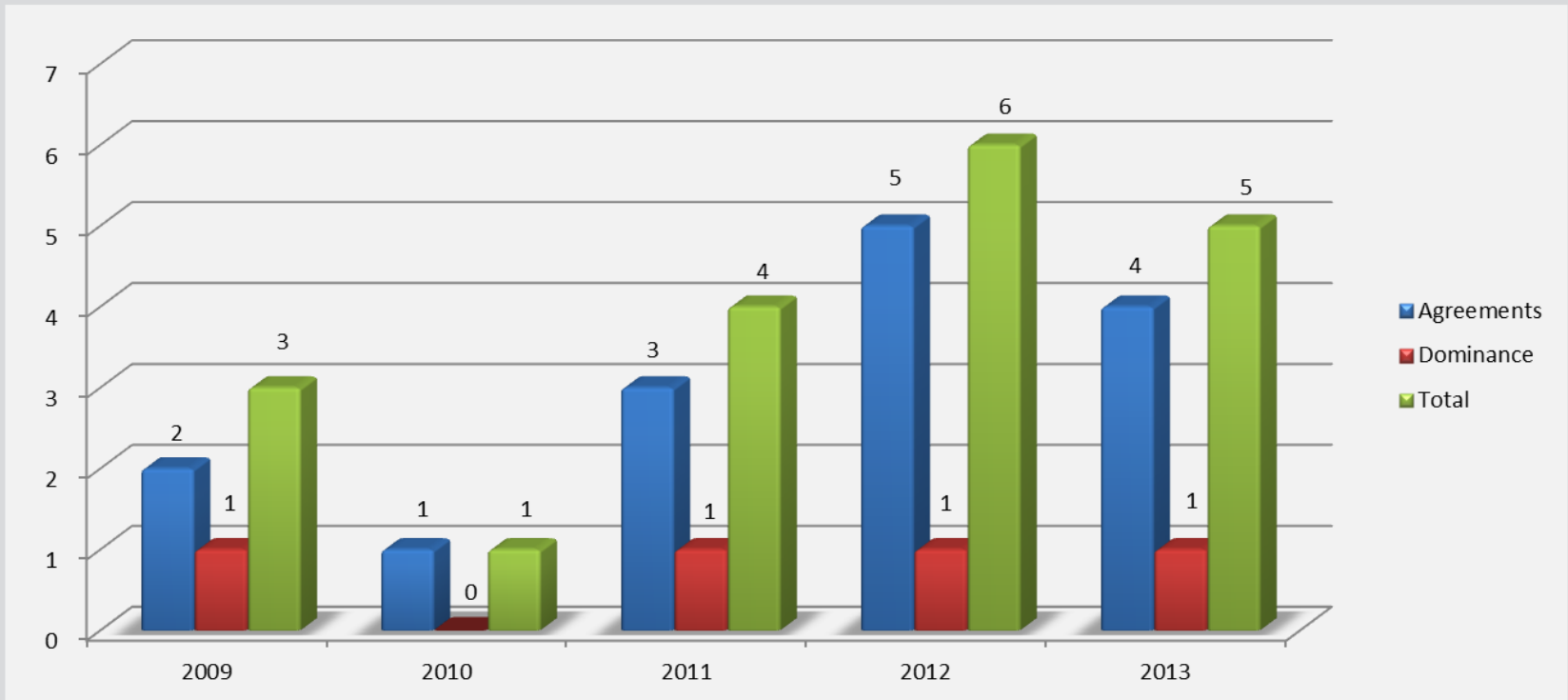
- Overall enforcement activities
- Cartel Enforcement
- Recent jurisprudence

I. Enforcement Activities of the CCA

- Cartels – priority No.1
- Increasing number of dawn raids and leniency applications
- Abuse cases predominantly in regulated sectors
- Decrease in notified mergers
- First decision on penalty for non-implemented merger commitments

Enforcement Activities of the CCA

➤ Initiated proceedings



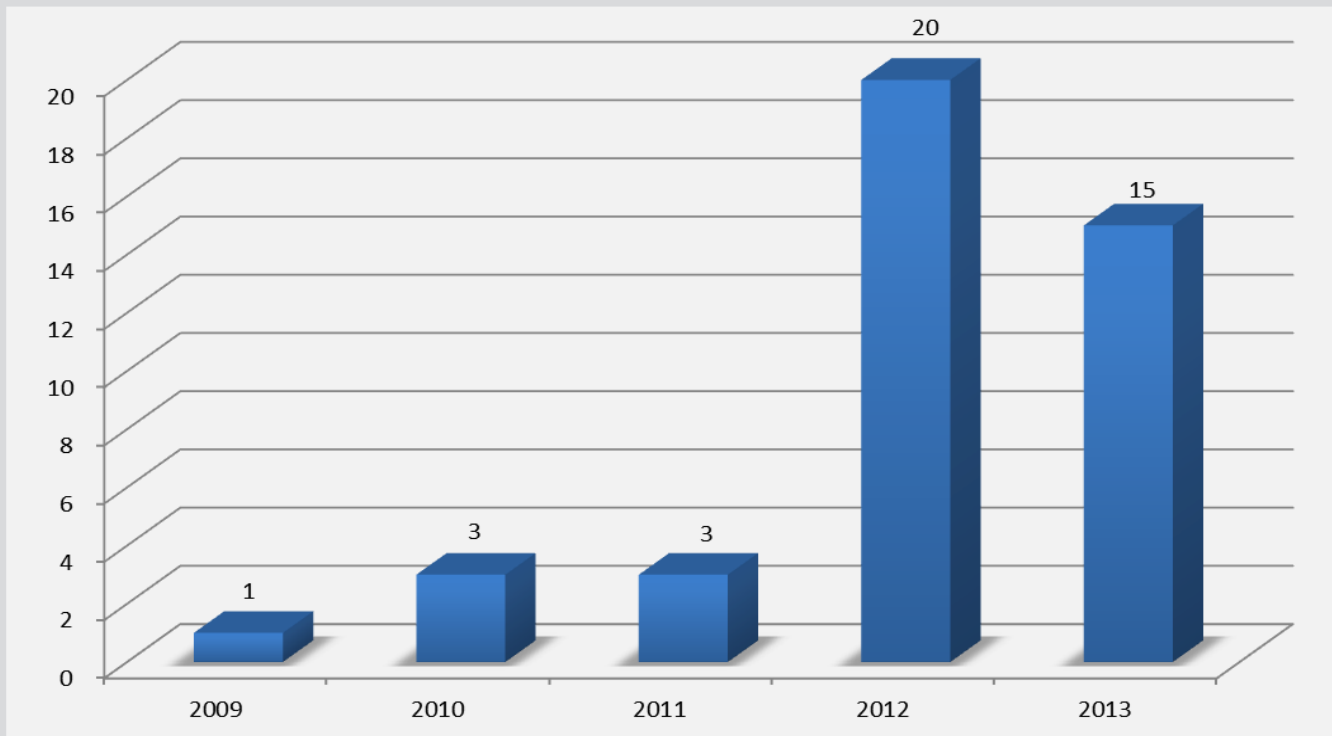
Enforcement Activities of the CCA

➤ Proceedings currently in progress



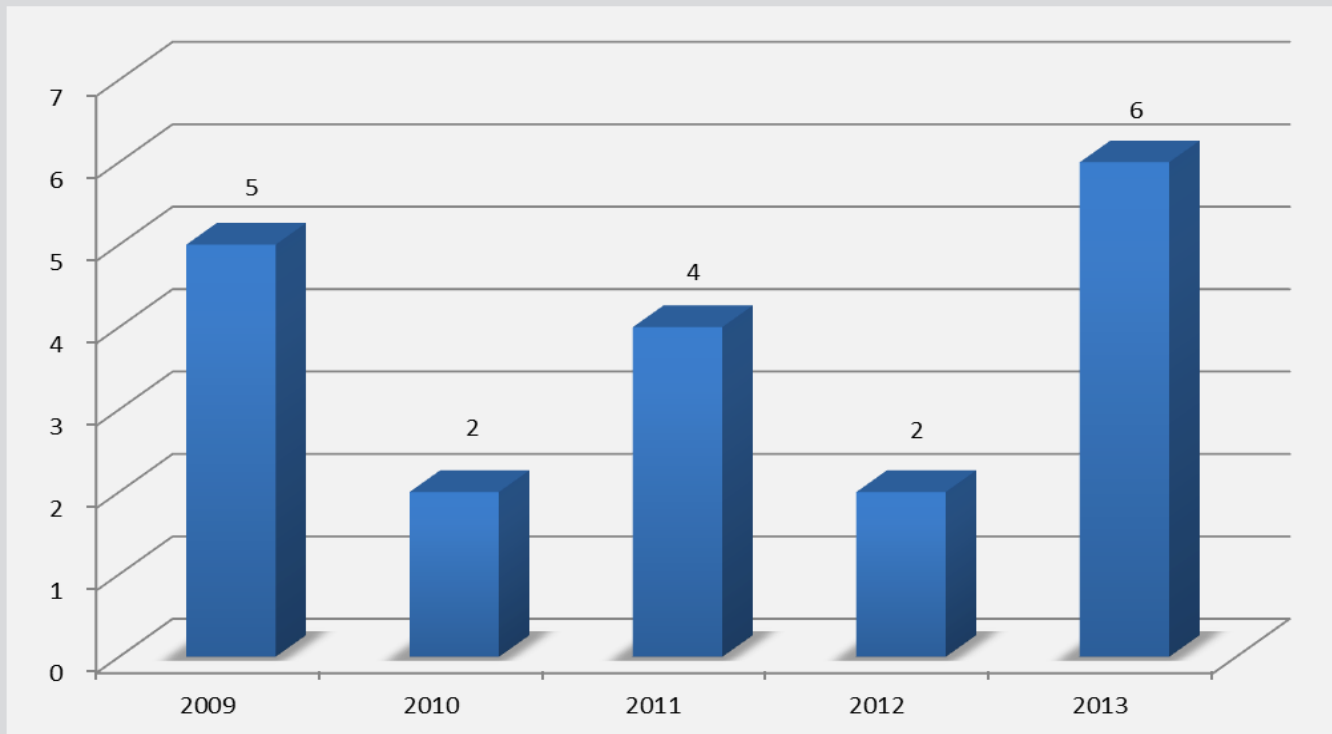
Enforcement Activities of the CCA

➤ Dawn raids per undertaking



Enforcement Activities of the CCA

➤ Leniency applications



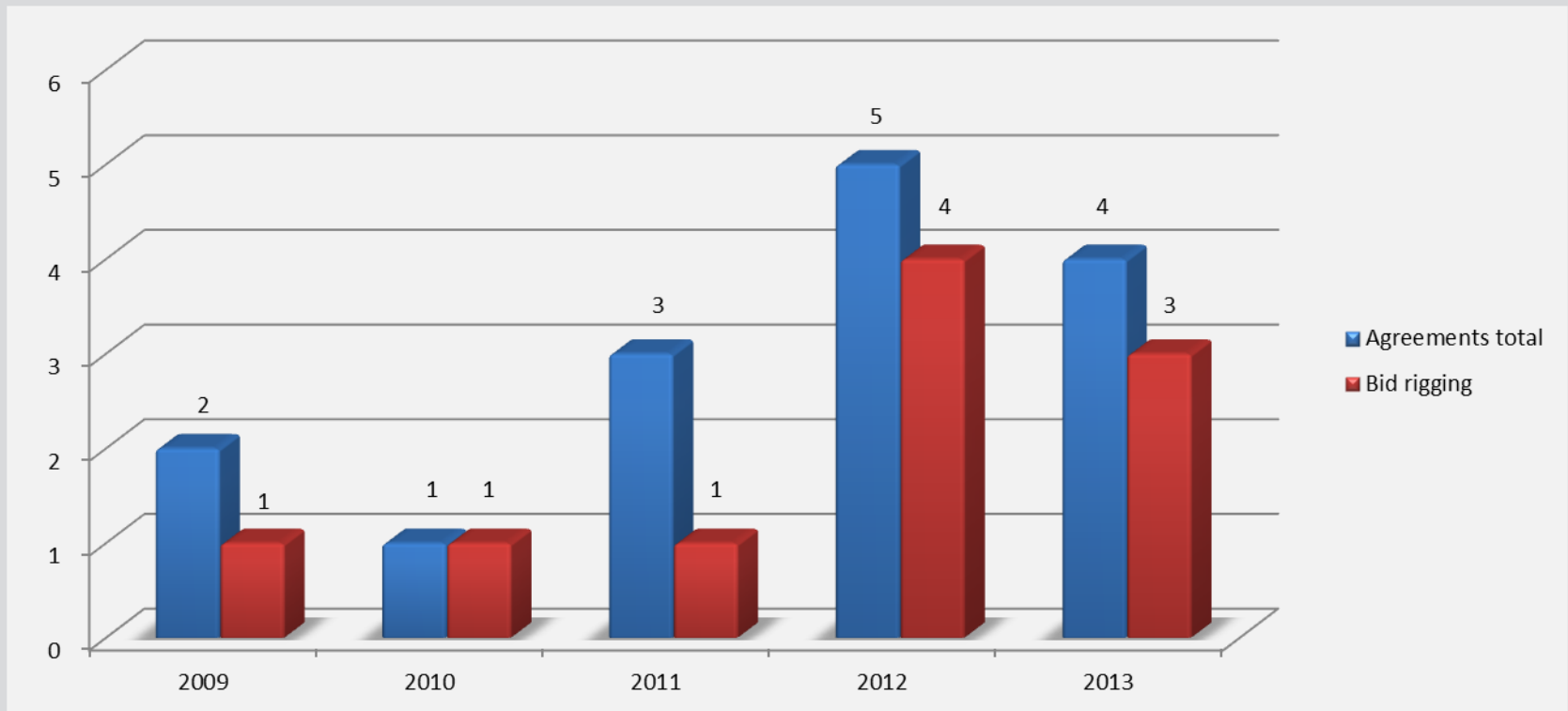
II. Bid rigging

- Majority of cartel cases
- Cooperation with tendering authorities, police
- Cooperation with Faculty of Economics
- New punishment – prohibition to participate in tenders for three years
- Crime; leniency application decriminalised



Bid rigging

■ Initiated proceedings



III. Recent Jurisprudence

- **Litoměřice (2013)**
 - Military dormitories – tender for services
 - Agreement of five bidders
 - Evidence legally acquired by the police may be used in antitrust proceedings
 - Profit of the cartelists needs not be established

Recent Jurisprudence

- **Sokolovská uhelná (2013)**
 - Vertical agreements prohibiting exports, 1997 – 2009
 - Inter alia restructuring of the undertaking in 2007
 - The successor cannot bear liability for conduct prior to 1 May 2004 (unless the restructuring was deceitful)
 - Evolution of the *Petrol Distribution Cartel* case (2009)
 - ❖ Succession of liability not permissible, unless specifically legislated for
 - ❖ The situation might be different after 1 May 2004

IV. Future Enforcement

- Higher number of issued bid rigging decisions
- Continuous trend in initiated proceedings and down raids
- More abuse cases outside regulated sectors
- New guidelines on setting fines

Thank you for your attention



Michal PETR

michal.petr@compet.cz

+420 542 167 107