



What's new in the Competition Law and Policy ? - Poland

BRNO, St Martin's Conference, 13-14/11/2019

Geoblocking

Changes in the Act on Competition and Consumer Protection

Geo-blocking ban

The amendment adjusts Polish law to EU's regulation on unjustified geo-blocking.

UOKiK is to intervene in two situations:

- *in B2C relations - in case of infringement of collective consumer interests*
- *In B2B relations - the Office may initiate antitrust proceedings if it suspects that geo-blocking restricts competition.*

Payment Grindlocks

Act amending certain acts on reducing payment gridlocks

Payment Grindlocks

Late payment for services or goods - major obstacle to running business.

Mitigating circumstances - Zero tolerance for repeat offenders

Dawna raids

2019 is the year of UOKiK's special activity in the fight against competition-restricting practices.

The Office's priority is to increase the detection of serious competition violations, to this end we continue intensive investigations.

24 dawnraids conducted in 2017- first half of 2019 (6 in 2019)

Concentration assessment

Multikino / Cinema 3D decision.

The concentration led to a significant limitation of competition on the multi-screen cinema screening market. The concentration would therefore lead to the creation of a real duopoly.

After receiving the objections, the party proposed a condition.

Nord Stream Case

The Office of Competition and Consumer Protection imposed a fine in proceedings against Gazprom and five international entities responsible for financing Nord Stream 2.

UTP cases

Cases from last year are closed now.

5 entities received commitment decisions whereas 1 one was fined with 8 mln PLN penalty (approx. 1,8 mln euros).

New cases.

Late summer UOKiK charged the biggest Polish retail chain, Biedronka, or rather its owner Jeronimo Martins Polska, with forcing suppliers to grant it a special, high rebates.

Proceedings against managers

UOKIK has Initiated first proceedings against managers in 2018

- The person managing the enterprise may be liable for the entrepreneur's conclusion of the restrictive agreement, provided that through their act or omission they violated the prohibition of restrictive agreements.
- We are conducting 3 proceedings in which we jointly charge 13 managers

Other

Other interesting projects planned for the end of the year:

- **Guidelines for entrepreneurs on dawnraids** - by the end of the year, we plan to issue guidelines for entrepreneurs on dawnraids.
- **Platform for whistleblowers. 2019 will bring further development of this initiative** - we are working on an IT tool that will guarantee whistleblowers greater protection and anonymity.



Thank you

Marek Niechciał

President of the
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POLAND