

143/2001 Coll.

ACT

of 4 April 2001

on the Protection of Competition and Amending Certain Acts

(Act on the Protection of Competition)

Amendment: 340/2004 Coll.

Amendment: 484/2004 Coll.

Amendment: 127/2005 Coll.

Amendment: 361/2005 Coll.

Amendment: 361/2005 Coll.

Amendment: 71/2007 Coll.

Amendment: 296/2007 Coll.

Amendment: 155/2009 Coll.

Amendment: 188/2011 Coll.

Amendment: 360/2012 Coll.

Amendment: 135/2016 Coll., 293/2016 Coll. (part)

Amendment: 293/2016 Coll.

Amendment: 183/2017 Coll.

Amendment: 262/2017 Coll.

Amendment: 261/2021 Coll., 417/2021 Coll.

Amendment: 226/2023 Coll.

The Parliament has enacted the following Act of the Czech Republic:

PART ONE
PROTECTION OF COMPETITION
SECTION I
INTRODUCTORY PROVISIONS

Article 1

Introductory Provisions

(1) This Act regulates the protection of competition in the market of products and services (hereinafter referred to as “goods”) against its elimination, restriction, other distortion, or imperilment (hereinafter referred to as “distortion”) by

a) agreements between undertakings [Article 3(1)];

b) abuse of a dominant position of undertakings;

c) concentration between undertakings; or

d) state administration authorities in the exercise of state administration, local government authorities in the exercise of self-government and the transferred state administration and self-governance authorities in the exercise of transferred state administration (hereinafter referred to as "public authorities").

(2) This Act incorporates the relevant legislative act of the European Union,²³⁾ it also follows on directly applicable European Union legislation²⁴⁾ and further regulates the procedure for application of Articles 101 and 102 of the Treaty on the Functioning of the European Union (hereinafter referred to as “the Treaty”) by the authorities of the Czech Republic and certain issues of cooperation of these authorities with the European Commission¹⁾ (hereinafter referred to as “the Commission”) and with the authorities of other Member States of the European Union in procedure pursuant to the Council Regulation (EC) on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty^{1a)} (hereinafter referred to as “the Regulation”) and in the Council Regulation (EC) on the control of concentrations between undertakings^{1b)} (hereinafter referred to as “the Merger Regulation”).

(3) This Act shall apply to undertakings which provide, on the basis of a special act or on the basis of a decision issued pursuant to a special act, services of a general economic interest,^{1b)} to the extent that its application does not obstruct the provision of these services.

(4) This Act shall also be similarly applied to the proceedings in cases of undertakings, whose actions may affect trade between Member States of the European Union pursuant to the Articles 101 and 102 of the Treaty.

(5) This Act shall also apply to actions of undertakings conducted abroad, which distort or may distort competition in the territory of the Czech Republic.

(6) This Act shall not apply to actions pursuant to paragraph 1, whose effects take place solely in a foreign market, unless an international treaty binding in the Czech Republic provides otherwise.

(7) This Act shall further not apply to the protection of competition against unfair competition.²⁾

Article 2

Definition of Certain Terms

(1) Undertakings under this Act shall be deemed to mean natural or legal persons, their associations, associations of such associations and other groupings, even in the instance that such associations and groupings are not legal persons, provided they take part in competition or may influence competition by their activities, although they are not entrepreneurs.

(2) Relevant market shall be deemed to mean the market of goods, which are identical, comparable or mutually interchangeable from the point of view of their characteristics, price and their intended use in an area, where the conditions of competition are sufficiently homogeneous and which can be clearly distinguished from neighbouring areas.

(3) For the purposes of this Act, the statement of objections shall mean a written notification to the parties to proceedings of alleged distortion of competition, in which the Office for the Protection of Competition (hereinafter referred to as “the Office”) notifies a description of the conduct, identifies the main evidence, notifies the legal classification of the conduct and the administrative penalty it intends to impose.

SECTION II

AGREEMENTS DISTORTING COMPETITION

Article 3

Prohibited Agreements

(1) All agreements between undertakings, decisions by associations of undertakings and concerted practices (hereinafter referred to as “agreements”), which have as their object or effect a distortion of competition shall be prohibited and null and void,⁴⁾ unless this Act or a special act provides otherwise, or unless the Office grants an exemption from this prohibition by its implementing regulation. Agreements with insignificant impact on competition shall not be prohibited.

(2) Particular agreements shall be prohibited within the meaning of paragraph 1, which have as their object or effect a distortion of competition due to containing provisions on

a) direct or indirect price-fixing or other business terms and conditions;

b) limitation or control of production, sales, research and development or investments;

- c) division of markets or sources of supply;
- d) making the conclusion of a contract subject to the acceptance of a further performance, which by its nature or according to commercial usage and fair business practices has no connection with the object of such contracts;
- e) application of dissimilar conditions to identical or equivalent transactions with other undertakings, thereby placing them at a competitive disadvantage;
- f) obligation of the parties to an agreement to refrain from trading or other economic co-operation with undertakings not being party to the agreement, or to otherwise harm such undertakings (group boycott).

(3) If the reason for prohibition relates only to a part of an agreement, only that particular part thereof shall be prohibited and null and void. Provided that it may be inferred from the nature, contents or purpose of the agreement, or the circumstances, in which the agreement was concluded that such part may not be severed from its remaining content, the whole such agreement shall be prohibited and null and void.

(4) The prohibition pursuant to paragraph 1 shall not apply to agreements, which

- a) contribute to improving the production or distribution of goods or to promoting technical or economic progress while allowing consumers a fair share of the resulting benefit;
- b) do not impose on the undertakings restrictions which are not indispensable to the attainment of the objectives pursuant to letter a);
- c) do not afford the undertakings the possibility of eliminating competition in respect to a substantial part of the market of goods, the supply or purchase which constitutes the objective of an agreement.

Article 4

Block Exemptions

(1) The prohibition pursuant to Article 3(1) shall not apply to agreements that may not effect trade between Member States of the European Union pursuant to the Article 101 of the Treaty, which, however, fulfil other conditions laid down in block exemptions adopted on the basis of Article 103(1) of the Treaty in order to implement Article 101(3) of the Treaty by relevant Commission or Council Regulations (hereinafter referred to as "the EU Block Exemptions"), or in the exemption for the agriculture sector.⁵⁾

(2) The Office may also grant block exemptions to other categories of agreements, provided it is proven that a distortion of competition, to which the block exemption would lead, is prevailed by the benefit for other participants of the market, in particular consumers.

(3) The Office shall withdraw the benefit resulting from the exemption pursuant to paragraph 1 or 2 provided that as a consequence of market development, an agreement subject to such exemption would not meet the conditions laid down in Article 3(4).

Article 5

Horizontal and Vertical Agreements

- (1) Agreements between undertakings operating on the same level of the product market shall be deemed horizontal agreements.
- (2) Agreements between undertakings operating on different levels of the product market shall be deemed vertical agreements.
- (3) Mixed agreements between undertakings operating on the same horizontal level as well as on different vertical levels of the product market shall be deemed to constitute horizontal agreements. In case of doubts, any such agreement shall be deemed a horizontal agreement.

Article 6

Abolished

Article 7

- (1) If the Office finds in the course of the proceedings concerning the matters pursuant to Articles 3 to 5 that a prohibited agreement has been concluded, it shall declare such fact in a decision, by means of which it shall prohibit performance of the agreement for the future.
- (2) The Office may terminate the proceedings pursuant to paragraph 1 and decide to accept commitments jointly proposed to the Office by the parties to the proceedings in order to maintain effective competition, the fulfilment of which will eliminate concerns about possible distortion of competition. In such a decision, the Office may also impose conditions or obligations necessary to ensure compliance with those commitments. Commitments may not be proposed in proceedings concerning the conclusion of a secret horizontal agreement or concerted practice aimed at distorting competition.
- (3) The parties to the proceedings may propose the commitments pursuant to paragraph 2 in writing to the Office within 15 days following the day on which the Office delivered the statement of objections; the Office shall take into account later proposals only in cases of special consideration. The parties shall be bound by their proposal to the Office and to each other, where appropriate, to third parties, and shall not be permitted to implement the agreement as originally drafted from the time of the submission of the proposal until the Office's decision pursuant to paragraph 2.
- (4) After the entry into force of a decision pursuant to paragraph 2, the Office may reinstate the proceedings pursuant to paragraph 1, if
 - a) circumstances decisive for the adoption of a decision pursuant to paragraph 2 have significantly changed;
 - b) the undertakings act contrary to their commitments pursuant to paragraph 2; or

c) the decision pursuant to paragraph 2 was adopted on the basis of incorrect or incomplete documents, data or information.

Article 8

Abolished

Article 9

Abolished

SECTION III

DOMINANT POSITION AND ITS ABUSE

Article 10

(1) One or more undertakings jointly (joint dominance) shall be deemed to have a dominant position in the relevant market, if their market power enables them to behave independently to a significant extent of other undertakings or consumers.

(2) The Office shall assess the market power pursuant to paragraph 1 above on the basis of the amount of ascertained volume of sales or purchases in the relevant market for the goods in question (market share), achieved by the relevant undertaking or undertakings in joint dominant position during the period examined pursuant to this Act. Also, on the basis of other indices, in particular the economic and financial power of the undertakings, legal or other obstacles for other undertakings to enter into the market, the level of vertical integration of undertakings, market structure and size of the market shares of their direct competitors.

(3) Unless proven otherwise by means of the indices pursuant to paragraph 2 above, an undertaking or undertakings in joint dominance shall be deemed not to be in a dominant position if its/their share in the relevant market achieved during the examined period does not exceed 40%.

Article 11

(1) Abuse of a dominant position to the detriment of other undertakings or consumers shall be prohibited. Abuse of a dominant position shall consist particularly of

a) direct or indirect enforcement of unfair conditions in agreements with other market participants, especially enforcement of performance, which is at the time of conclusion of contract conspicuously inadequate to the counter-performance provided;

b) making the conclusion of contracts subject to acceptance by the other party of the supplementary performance, which by its nature or according to commercial usage has no connection with the object of such contracts;

c) application of dissimilar conditions to identical or equivalent transactions with other market participants, thereby placing them at a competitive disadvantage;

d) termination or limitation of production, sales or research and development to the prejudice of consumers;

e) consistent offer and sale of goods for unfairly low prices, which results or may result in a distortion of competition;

f) refusal to grant other undertakings access for a reasonable reimbursement to own transmission grids or similar distribution networks or other infrastructure facilities, which are owned or used on other legal grounds by an undertaking in a dominant position, provided other undertakings are unable for legal or other reasons to operate in the same market as the dominant undertakings without being able to jointly use such facilities, and such dominant undertakings fail to prove that such joint use is infeasible for operational or other reasons or that they cannot be reasonably requested to enable such use. The same also applies in due proportion to the refusal of access for a reasonable reimbursement, of other undertakings to the use of intellectual property or access to networks owned or used on other legal grounds by the undertaking in a dominant position, provided such use is necessary for participating in competition in the same market as the dominant undertakings or in any other market.

(2) If the Office finds within the course of the proceedings concerning the matters pursuant to paragraph 1 that the abuse of a dominant position has been committed, it shall declare such fact in a decision and it shall by this decision prohibit such action for the future.

(3) The Office may terminate the proceedings pursuant to paragraph 2 and issue a decision accepting commitments which the parties to the proceedings have jointly proposed to the Office in order to maintain effective competition, the fulfilment of which will eliminate concerns about possible distortion of competition. In such a decision, the Office may also impose conditions or obligations necessary to ensure compliance with those commitments.

(4) The parties to the proceedings may propose the commitments pursuant to paragraph 3 to the Office in writing within 15 days following the day, on which the Office delivered to them the statement of objections. Any proposal made after this period shall be taken into account by the Office only in cases worthy of special attention. The parties to the proceedings are bound by their proposal vis-à-vis the Office and vis-à-vis each other, or vis-à-vis third parties, and following the proposal, they may not proceed in the manner, which is subject to the Office's objections until the decision of the Office pursuant to paragraph 3 is issued.

(5) After a decision pursuant to paragraph 3 has come into force, the Office may reinstate the proceedings and adopt a decision pursuant to paragraph 2, if

a) circumstances decisive for the adoption of the decision pursuant to paragraph 3 have significantly changed;

- b) the undertakings act contrary to the commitments pursuant to paragraph 3; or
- c) the decision pursuant to paragraph 3 was adopted on the basis of incorrect or incomplete documents, data or information.

SECTION IV

CONCENTRATIONS BETWEEN UNDERTAKINGS

Article 12

Definition of Terms

(1) A concentration between undertakings shall originate from the merger of one or more undertakings previously independently operating in the market.

(2) A concentration between undertakings pursuant to this Act shall include the situation when one or more entrepreneurs or one or more persons, who are not entrepreneurs but control at least one undertaking, acquire the possibility to directly or indirectly control another undertaking or part thereof, in particular by acquiring equity shares, business or membership interests or by a contract or by other means allowing them to control such undertaking or part thereof.

(3) For the purpose of this Act, a part of an undertaking shall be deemed to mean also the assets of the undertaking, which are used for its activities and to which the turnover achieved by the sale of goods in the relevant market may be unequivocally assigned, even if it shall not form an independent organizational unit of the enterprise.

(4) For the purpose of this Act, control shall be deemed to mean a possibility to exercise a decisive influence on the activity of another undertaking or part thereof on the basis of a matter of law or fact, particularly on the basis of

a) property right or a right to use towards an enterprise of the controlled undertaking, or a part thereof; or

b) right or other matters of law that provide a decisive influence on the composition, voting and decision-making of the controlled undertaking's bodies.

(5) Establishment of an undertaking jointly controlled by more undertakings that perform all functions of an autonomous economic entity (hereinafter referred to as "the jointly controlled undertaking") on a lasting basis shall be deemed to constitute a concentration.

(6) The extent to which the establishment of the jointly controlled undertaking constituting the concentration pursuant to paragraph 5 has as its object or effect the coordination of competitive behaviour of undertakings controlling such jointly controlled undertaking that remains independent in the market, such coordination shall be assessed in compliance with criteria pursuant to Article 3.

(7) Two or more concentrations, which are mutually conditioned and which are materially, time and personnel-related, shall be assessed as one concentration.

(8) A qualified stake held by a bank in a legal person by virtue of payment of the issue price of shares by a set-off of the bank's receivables from such legal person shall not be deemed to constitute a concentration between undertakings, where such qualified stake is held for the duration of the rescue operation or financial restructuring of such legal person for a maximum of 1 year. A situation, where undertakings providing investment services acquire interests in another undertaking temporarily for a period of up to 1 year for the purpose of the sale thereof, provided they do not exercise the voting rights attached to such interests, with the objective to determine or influence the competitive behaviour of such controlled undertaking, shall not be deemed to constitute a concentration between undertakings pursuant to paragraph 2. The Office may extend the period of 1 year at a request of the bank or the undertaking providing investment services, provided the applicant proves that the purpose for which it acquired participation in another undertaking could not have been achieved during the original period for objective reasons.

(9) Furthermore, the delegation of certain powers of an undertaking's statutory bodies to persons engaged in activities pursuant to special legal regulations, e.g., a liquidator⁸⁾ or an insolvency trustee,⁹⁾ shall not be deemed to constitute a concentration between undertakings.

Article 13

Concentrations Between Undertakings Subject to Approval by the Office

A concentration between undertakings shall be subject to the approval by the Office, if

a) the total net turnover of all the undertakings concerned achieved in the last completed accounting period in the market of the Czech Republic exceeds CZK 1.5 billion and each of at least two of the undertakings concerned achieved in the market of the Czech Republic in the last completed accounting period a net turnover exceeding CZK 250 million; or

b) the net turnover achieved in the last completed accounting period in the market of the Czech Republic,

1. in the case of a concentration pursuant to Article 12 (1) at least by one of the parties to the merger;

2. in the case of a concentration pursuant to Article 12 (2) by an undertaking or a part thereof over whom the control is acquired; or

3. in the case of a concentration pursuant to Article 12 (5) at least by one of the undertakings establishing the jointly controlled undertaking,

is higher than CZK 1,500,000,000, and, at the same time, the worldwide net turnover achieved in the last completed accounting period by another undertaking concerned exceeds CZK 1,500,000,000.

Article 14

Calculation of Turnover

(1) The net turnover of the undertakings concerned shall be deemed to mean the net turnover achieved by the individual undertakings solely by means of the activity, which constitutes their business objective. Where the undertakings are not entrepreneurs, the net turnover shall be deemed to mean solely the turnover achieved by means of the activity, for which they were founded or which they commonly practice.

(2) Aggregate net turnover shall include net turnovers achieved by

a) all the undertakings concerned;

b) persons, who will control the undertakings concerned after the implementation of the given concentration, and persons, who are controlled by the undertakings concerned;

c) persons controlled by a person, who will control the undertakings concerned after implementation of the given concentration; and

d) persons controlled jointly by two or more persons referred to in (a) to (c) above.

(3) The joint net turnover of the undertakings concerned shall not include the part of the turnover, which was achieved by the sale of goods between the undertakings concerned and the persons referred to in paragraph 2 item b), c) and d).

(4) If only a part of an undertaking is subject to the concentration, only the portion of turnover achieved by such part shall be included in the net turnover.

(5) If two or more concentrations take place between the same undertakings within a two-year period, such concentrations shall be assessed as one concentration.

(6) As regards banks, credit and other financial institutions, with the exception of insurance companies,¹¹⁾ the net turnover shall be deemed to mean the sum of income items, in particular income from interest securities and asset shares, fees and commissions and profits from financial operations. As regards insurance companies, the net turnover shall be deemed to mean the sum of insurance premiums prescribed pursuant to all the insurance contracts concluded.

Article 15

Initiation of Proceedings

(1) Proceedings on the approval of a concentration between undertakings shall be initiated on the basis of a notification.

(2) A concentration notification shall be filed jointly by the parties to the concentration, who pursuant to Article 12 (1), (2) and (5) intend to realise the concentration by merger, to acquire

the possibility directly or indirectly control another undertaking or its part, or to establish the jointly controlled undertaking.

(3) The concentration notification

a) may be filed also prior to conclusion of an agreement establishing the concentration or prior to acquisition of control over another undertaking in any other way;

b) shall contain substantiation and documents certifying the facts decisive for the concentration; details are set out by the implementing legal regulation [Articles 26 (1)].

(4) The concentration approval proceedings shall be initiated on the day when the Office receives the concentration notification containing all requirements pursuant to paragraph 3. In case the notification does not contain such requirements, on the basis of information received, the Office may only issue a written opinion specifying whether the concentration is subject to approval pursuant to this Act and whether the notification is to be completed.

Article 16

Course of Proceedings

(1) Without any delay the Office shall announce an initiation of concentration approval proceedings in the Commercial Bulletin and electronically through the public data network, whereas at the same time it shall stipulate therein a deadline for the submission of objections against such concentration.

(2) Once the proceedings have been initiated, the Office shall assess whether the concentration is subject to its approval. If the concentration is not subject to approval by the Office, the Office shall issue a decision to that effect within 30 days of the initiation of proceedings. In cases where the concentration is subject to approval and will not result in a substantial distortion of competition, the Office shall issue a decision approving the concentration within the aforementioned deadline. In the event that the Office finds that the concentration raises serious concerns as to a significant impediment to competition, primarily due to that fact that it would create or strengthen a dominant position of the undertakings concerned or any of them, the Office shall inform the parties to the proceedings in writing of this fact within the stipulated deadline and inform them that it is continuing the proceedings.

(3) If the Office does not issue a decision on the concentration notification within the deadline stipulated in paragraph 2 or fails to inform the parties in writing that it is continuing the proceedings for reasons pursuant to paragraph 2, the Office shall be deemed to have approved the concentration upon the elapse of the aforementioned deadline.

(4) In accordance with the terms referred to in the Merger Regulation¹³⁾ the Office may request the Commission to conduct proceedings and assess a concentration by itself. The Office shall suspend its proceedings until the decision of the Commission is issued on whether it will assess such concentration by itself. Provided the Commission decides that it will assess such concentration by itself, the Office shall terminate its proceeding.

(5) If the Office informs the parties to the proceedings pursuant to paragraph 2 in writing that it is continuing the concentration approval proceedings, it shall be obliged to issue a decision within 5 months of the initiation of proceedings. In the event that the Office fails to issue a decision on the concentration within the stipulated deadline, the Office shall be deemed to have approved the concentration upon the elapse of the aforementioned deadline.

(6) The Office may request a party to the proceedings in writing to supply further facts necessary for issuing a decision on a concentration approval or to supply further evidence of such facts. The deadlines pursuant to paragraphs 2 and 5 shall be suspended for a period between the day on which the party to the proceedings receives such request and the day on which this obligation is fulfilled. In the event that the concentration decision of the Office is annulled by the Chairperson of the Office or by the Court, the deadlines pursuant to paragraphs 2 and 5 shall be reinstated from the date on which the decision of the Chairperson of the Office or of the Court comes into force.

(7) A concentration may be registered into the Commercial Register only after a decision of the Office approving the concentration comes into force.

Article 16a

Simplified Proceedings

(1) Simplified notification of a concentration containing all requirements pursuant to Article 15(3)(b) (hereinafter referred to as “simplified proceedings”) may be filed in the case of a concentration when

a) none of the undertakings concerned is operating in the same relevant market, or their combined share in such market does not exceed 15%, and at the same time none of the undertakings concerned is operating in the market vertically connected to the relevant market in which another undertaking concerned operates, or their share in every such market does not exceed 25%; or

b) the undertaking acquires sole control over another undertaking or part thereof, in which it has participated in joint control so far.

(2) Without delay the Office shall announce the initiation of simplified proceedings electronically through the public data network and it shall stipulate a deadline for the submission of objections against this concentration; Article 16(1) shall not be applied.

(3) If a concentration is not subject to approval by the Office, the Office shall issue a decision on the matter within 20 days of the initiation of proceedings. In cases when the concentration is subject to the approval by the Office, but it does not result in a substantial distortion of competition, the Office shall issue a decision on concentration approval within the same deadline. The grounds of the decision shall contain the identification of the undertakings concerned, the relevant market or sector, in which the undertakings concerned operate, and the reasons, due to which the decision was issued in the simplified proceedings. If the Office concludes that the concentration could raise serious concern about substantial distortion of

competition, it shall request the parties to the proceedings within 20 days to file a complete concentration notification. The deadline for the issuance of a decision pursuant to Article 16 (2) shall start on the date of delivery of the complete concentration notification to the Office.

(4) If the Office does not issue a decision that the concentration is not subject to its approval or a decision allowing the concentration or does not request the parties to the proceedings to file a complete concentration notification within the deadline pursuant to paragraph 3, it shall be deemed to mean the Office has approved the concentration upon the elapse of the aforementioned deadline.

(5) The Office may request a party to the proceedings in writing to provide additional facts necessary for adopting a decision on the concentration approval or to provide additional evidence of such facts. The deadline pursuant to paragraph 3 shall be suspended for the period between the day on which the party to the proceedings receives such request and the day on which this obligation is fulfilled.

(5) Unless specified otherwise by this Act, a general provision on the assessment of concentration shall be applied in the simplified proceedings.

Article 17

Assessment of Concentration

(1) When deciding on concentration notification, the Office shall primarily assess the necessity of preservation and further development of effective competition, the structure of all markets affected by the concentration, the shares of the undertakings concerned in such markets, their economic and financial power, legal and other barriers to enter relevant markets by other undertakings, the alternatives available to suppliers and customers of the undertakings concerned, the development of supply and demand in the affected markets, the needs and interests of consumers and research and development provided that it is to the consumers' advantage and does not form an obstacle to effective competition.

(2) A decision on a concentration approval shall also apply to restrictions of competition declared by undertakings in their concentration notification, having direct connection with the concentration and indispensable to its implementation.

(3) The Office shall not approve a concentration provided it would result in a substantial distortion of competition in the relevant market particularly because it would result in or would strengthen a dominant position of the undertakings concerned. If the combined share of all undertakings concerned in the relevant market does not exceed 25%, it is presumed that their concentration does not result in a substantial distortion of competition, unless proven contrary during the assessment of the concentration.

(4) The Office may approve a concentration on condition fulfilment of commitments that are proposed by the undertakings concerned in favour of maintaining effective competition before initiating the concentration approval proceedings or during its course, but no later than 15 days of the day when the last of the parties to the proceedings receives its statement of

objections. Proposals of commitments submitted on a later date or changes to their content shall be taken into consideration by the Office only in cases worthy of special attention, if they are submitted to the Office within 15 days following the termination of the deadline pursuant to the first sentence of this paragraph. In case the parties to the proceedings propose these commitments within the first 30 days of the proceedings, the deadline pursuant to Article 16(2) shall be extended by 15 days. In case the parties to the proceedings propose these commitments after being informed by the Office about continuation of the proceedings pursuant to Article 16(2), the deadline for issuing a decision pursuant to Article 16(5) shall be extended by 15 days. Provided the Office approves the concentration on condition of the fulfilment of commitments proposed by undertakings, the Office may lay down conditions and obligations necessary to secure fulfilment of these commitments.

Article 18

Suspension of Implementation of Concentration

(1) The undertakings may not implement a concentration before the day of filing the concentration notification pursuant to Article 15(1) and before the day the Office's decision on the concentration approval enters into force.

(2) Prohibition pursuant to paragraph 1 shall not apply to the implementation of concentration that should occur on the basis of a public bid to assume equity shares or on the basis of a sequence of operations with shares and securities accepted for trading in the European regulated market,¹⁹⁾ due to which control shall be acquired by various entities, provided the application for the initiation of proceedings pursuant to Article 15(1) was filed immediately and provided the voting rights attached to such shares and securities are not exercised. The provisions of paragraphs 3 and 4 shall not be affected thereby.

(3) Upon application of the undertakings, the Office may decide on the approval of an exemption from the prohibition of the implementation of the concentration pursuant to paragraph 1 where there is a threat of sustaining considerable damage or any other significant detriment to the undertakings concerned or third parties. The undertakings may file application for approval of an exemption together with the complete concentration notification pursuant to Article 15(3)(b) or any time during the proceedings. The application shall be substantiated, made in writing and it shall indicate the extent of the requested exemption. The Office may request the parties to the proceedings in writing to provide further facts necessary for adopting a decision on the exemption approval or to provide further evidence of such facts. The deadlines pursuant to paragraph 4 shall be suspended for a period between the day of delivery of such request and the day on which this obligation is fulfilled.

(4) The Office shall decide on the application for approval of an exemption pursuant to paragraph 3 without delay, not later than 30 days of the receipt thereof. In deciding on the application, besides damage or any other detriment, the Office shall take into account the consequences of such exemption on competition in the relevant market. In case the Office fails to issue the decision within the stipulated period of time, the exemption shall be deemed

to have been approved. The Office may also decide to grant an exception in relation to certain actions covered by the application; in the rest, the Office shall turn down the application. In its decision on granting the exemption, the Office may stipulate conditions and restrictions in favour of maintaining effective competition.

(5) If the Office finds that a concentration was implemented contrary to the Office's decision in force, it shall decide on measures indispensable to re-establishing effective competition in the relevant market. For this purpose, the Office in particular shall impose on the undertakings an obligation to sell an undertaking or part thereof, where it acquired the possibility to control them, or discharge the contract, on the basis of which the concentration was realised, or to implement other adequate measures necessary for re-establishing effective competition in the relevant market. The Office may also issue such decision in the case, where it finds that the concentration was implemented without filing concentration notification pursuant to Article 15(1). The imposition of measures aimed at re-establishing competition shall not exclude parallel imposition of a fine under Article 22(1)(d), (e) or (f) or Article 22a(1)(d), (e) or (f).

Article 19

Revocation of Decision on Concentration Approval

(1) The Office may revoke a decision on concentration approval where it finds that the concentration approval was based on documents, data and information, for the completeness, correctness and truthfulness for which the parties to the proceedings are responsible and which turn out to be incorrect or incomplete, in full or in part, or where the approval has been obtained after the parties to the proceedings mislead the Office or fail to fulfil the conditions, restrictions or commitments, subject to which the Office made the approval.

(2) The Office may initiate proceedings for a revocation of a decision on concentration approval within 1 year of learning about the facts referred to in paragraph 1, but not later than 5 years after such facts have occurred.

SECTION IVa

SUPERVISION OF PUBLIC AUTHORITIES

Article 19a

(1) A public authority shall not distort competition in the exercise of its powers without justifiable reasons, in particular by

- a) favouring a certain undertaking or a group of undertakings;
- b) eliminating a certain undertaking or a group of undertakings from competition; or
- c) eliminating competition from the relevant market.

(2) The Office does not supervise the activities of public authorities pursuant to paragraph 1, which are

a) carried out in the form of a decision or other acts under the Administrative Procedure Code and the Tax Code; or

b) provided in the form of state aid, including providing de minimis state aid.²²⁾

(3) If the Office finds in the course of the proceedings concerning the matters pursuant to paragraph 1 that a distortion of competition has occurred, it shall declare such fact in a decision.

(4) The Office may terminate the proceedings referred to in paragraph 3 and issue a decision accepting commitments proposed by the public administration authority to the Office in order to maintain effective competition, the fulfilment of which will remove concerns about possible distortion of competition. In such a decision, the Office may also impose conditions or obligations necessary to ensure compliance with those commitments.

(5) The public administration authority may propose the commitments pursuant to paragraph 4 in writing to the Office no later than 15 days after the date on which the Office has delivered the statement of objections; the Office shall take into account a later proposal only in cases worthy of special consideration. The public administrative authority shall be bound by its proposal to the Office or to third parties and may not proceed in a manner that is subject to the statement of objections by the Office from the time of the submission of the proposal until the Office's decision pursuant to paragraph 4 is issued.

(6) After a decision pursuant to paragraph 4 has come into force, the Office may reinstate the proceedings and adopt a decision pursuant to paragraph 3, if

a) circumstances decisive for the adoption of a decision pursuant to paragraph 4 have significantly changed;

b) the public administrative authority acts contrary to the commitments pursuant to paragraph 4; or

c) the decision pursuant to paragraph 4 was adopted on the basis of incorrect or incomplete documents, data or information.

(7) Should a local government authority commit distortion of competition in the exercise of self-government or in the transferred exercise of state administration, the Office shall send a final decision pursuant to paragraph 3 to the authority responsible for the supervision according to special legislation^{19a)} and shall assign the administrative file if requested thereto.

SECTION V

THE OFFICE

Article 20

Scope of Powers

(1) The scope of competencies of the Office is governed by special legislation.¹⁴⁾ In addition to the powers provided by the other provisions of this Act, the Office

- a) supervises whether and how the undertakings fulfil the obligations stemming from this Act or the decisions of the Office adopted pursuant to this Act;
- b) supervises whether public authorities distort competition;
- c) publishes concentration notifications;
- d) publishes its decisions which have entered into force.

(2) In cases where the situation in specific markets indicates a distortion of competition, the Office shall conduct investigation on the level of competition in such markets (hereinafter referred to as “sector inquiries”) and shall propose measures for the improvement. In particular, the Office shall issue reports which contain recommendations for the improvement of competition.

(3) When exercising the supervision pursuant to paragraph 1(a) or (b) and when conducting sector inquiries pursuant to paragraph 2, the Office shall proceed appropriately pursuant to Article 21e, 21f and 21g and may initiate proceedings ex officio.

(4) If the violation of obligations pursuant to Article 3(1), Article 11(1), Article 18(1) or Article 19a(1) is detected, the Office may impose remedial measures, the aim of which is to restore effective competition in the market and stipulate reasonable deadline for their fulfilment. Imposition of remedial measures shall not exclude the imposition of a fine pursuant to Article 22(1)(b), (c) or (d), Article 22a (1)(b), (c) or (d) or Article 22aa(1)(b).

(5) On the basis of an international treaty, which is the part of the Czech legislation, the Office shall provide documents and information to a Competition Authority of the requesting country at its request, including information that contains business or bank secret or similarly classified information, for the purpose of enforcing competition law in the requesting country, provided that the level of protection of such information in the requesting country is comparable with that in the Czech Republic.

(6) The Office shall issue an annual report on its activities pursuant to this Act, inform the Government and the Parliament thereof and publish it on its website. The annual report shall contain information on the number of administrative proceedings initiated and closed, the appointment and dismissal of the Chairperson and Vice-Chairs, and the amount of the Office’s revenue, including changes from the previous period.

Article 20a

(1) The Office shall be empowered to apply Articles 101 and 102 of the Treaty to individual cases, if the behaviour of undertakings may affect trade between Member States

within the meaning of Articles 101 and 102 of the Treaty. For this purpose, the Office shall be entitled

- a) to require that an infringement be brought to an end;
- b) to order interim measures;
- c) to accept commitments;
- d) to impose fines.

(2) By its decision, the Office may withdraw the benefits of an EU block exemption from an individual undertaking if the agreements in a particular case have effects that are incompatible with Article 101 (3) of the Treaty in the territory of the Czech Republic or part thereof, which has all the characteristics of a separate geographic market.

(3) The Office shall furthermore be empowered

- a) to request the Commission to provide it with copies of documents necessary for the assessment of a case;
- b) to consult the Commission on any case involving the application of EU law;
- c) to exchange with the Commission and competition authorities of the other Member States and to use as evidence any matter of fact or of law, including confidential information;
- d) to submit observations on issues relating to the application of Articles 101 and 102 of the Treaty to courts and to request the relevant court to transmit any documents necessary for the assessment of the case;
- e) to conduct inspections on the basis of a request of a Competition Authority of any other Member State;
- f) to present its opinions on proceedings that the Commission conducts pursuant to the Merger Regulation;
- g) to issue decisions in cases where Regulations of the European Union adopted in compliance with Articles 103 to 106 of the Treaty empower the Office to adopt a decision;
- h) to adopt remedies, whose conditions and details were determined by the Commission and where the Commission authorised a Member State to adopt a necessary remedial measure pursuant to Article 105(2) of the Treaty;
- i) to require cooperation of undertakings necessary for the exercise duties of the Office pursuant to directly applicable European Union legal provisions governing contestable and fair markets in the digital sector²⁵⁾ and foreign subsidies distorting the internal market.²⁶⁾

(4) The Office shall be obliged

- a) to provide the Commission with all information necessary for the Commission to be able to carry out the duties assigned to it by the Regulation and the Merger Regulation;

- b) to afford the Commission the necessary assistance in case an undertaking opposes or obstructs an inspection pursuant to the Regulation or the Merger Regulation;
 - c) to inform the Commission and the competition authorities of other Member States in writing of initiating proceedings on the basis of Articles 101 or 102 of the Treaty;
 - d) to provide the Commission with a summary of the case, the envisaged decision and any other documents necessary for the assessment of the case no later than 30 days before the adoption of a decision pursuant to paragraph 1. The information may also be made available to the competition authorities of other Member States;
 - e) carry out, upon the request of the Commission, such inspections as it considers necessary;
 - f) provide an assistance to the Commission pursuant to directly applicable European Union rules governing contestable and fair markets in the digital sector²⁵⁾ and foreign subsidies distorting the internal market.²⁶⁾
- (5) In a procedure pursuant to the Merger Regulation, the Office shall be empowered
- a) to express its opinion concerning a proposal on referral of a case before its notification;^{14a)}
 - b) to request the Commission to refer a case;^{14b)}
 - c) to request the Commission to assess a case, on conditions referred to in the Merger Regulation;^{14c)}
 - d) to decide on a case referred to it by the Commission.^{14d)}

SECTION VI

PROCEEDINGS BEFORE THE OFFICE

Article 21

Initiation of Proceedings

(1) Proceedings on the approval of a concentration between undertakings and proceedings for the approval of an exemption from prohibition of implementation of the concentration shall be initiated on the basis of a notification. Other proceedings pursuant to this Act shall be initiated ex officio.

(2) After a preliminary examination of the matter pursuant to Article 20(1)(a) or (b), without initiating proceedings pursuant to this Act, the Office may, by resolution, terminate the matter, in particular, with regard to the degree of the harmful effect of the conduct on competition, the nature of the conduct and the manner in which it was exercised, the importance of the market concerned and the number of consumers affected. The resolution on the termination of the case pursuant to the first sentence shall only be noted in the case file; the provisions of the Act on liability for offences and proceedings in respect to offences concerning the notification of the case termination shall not apply.

Article 21a

Parties to Proceedings

(1) In proceedings on an approval of a concentration between undertakings and proceedings on an approval of an exemption from prohibition of the implementation of a concentration such persons shall be parties to the proceedings who are obliged to file a concentration notification [Article 15 (2)].

(2) In other cases, the parties to the proceedings shall be those, whose rights and duties referred to in this Act shall be subject to the Office's dealings and decisions.

(3) In proceedings concerning agreements distorting competition due to a cumulative effect of vertical agreements entered into with the purpose of distributing identical, comparable or substitutable goods, where one of the parties to such agreement is always one and the same undertaking, who proposes the conclusion of the contracts to the other undertakings, the Office may limit the status of a party to the proceedings to this undertaking only.

(4) In case a legal person suspected of the conclusion of a prohibited agreement, abuse of a dominant position or the prohibited implementation of a concentration ceased to exist, the proceedings pursuant to this Act shall be conducted with its legal successors.

Article 21b

Acquaintance with Basis for Decision

After the statement of objections, the Office shall enable the parties to the proceedings to become acquainted with the documents forming the basis for the decision and it shall stipulate a reasonable deadline for the parties to the proceedings to propose amendments to evidence. Such deadline may not be shorter than 15 days. Facts and evidence provided on a later day shall not be taken into consideration, unless such facts or evidence could not be applied earlier.

Article 21ba

Confidentiality of Identity

(1) An identity of a complainant, who provides the Office with documents and information, may be kept confidential by the Office if there is a reasonable suspicion that the legitimate interests of the complainant could be endangered or harmed without the concealment of the identity and the complainant itself requests the concealment of the identity at the latest at the same time as providing the documents and information.

(2) The Office shall act in such a manner that the purpose of the confidentiality of an identity of a complainant is not compromised.

(3) Paragraphs 1 and 2 shall not apply to a public authority, the State, a local authority and a legal person governed by public law.

Article 21c

Administrative File and Provision of Access thereto

(1) Those parts of a file which contain a business, bank or similar secret, telecommunications traffic records, telecommunications traffic data or records taken during the monitoring of persons and objects protected by law shall be excluded from the access to the administrative file provided to the parties to the proceedings. Apart from the documents containing such secret and data, the administrative file shall also include documents from which such secret was removed or sufficiently detailed abstract which does not contain such secret.

(2) Upon a request of the Office, the person, whose business, bank or similar secret protected by law shall be obliged to provide the Office with both documents containing such secret and also documents from which such secret was removed, eventually a detailed extract from the documents which does not contain such secret. Should the person fail to do so, it shall be deemed that the presented documents do not contain any business, bank or similar secret protected by law.

(3) In proceedings concerning an infringement or prohibition pursuant to Article 3(1), Article 11(1), Article 18(1) or Article 19a(1), after the statement of objections a party to the proceedings or its representative may assess those parts of the file that contain a business, bank or similar secret, telecommunications traffic records, telecommunications traffic data or records taken during the monitoring of persons and objects protected by law which have been or will be used as an evidence, provided that they are informed in advance of the consequences of the breach of confidentiality about such facts and they sign a report regarding this notification. The provisions of Article 38(4) of the Administrative Procedure Code shall not apply.

(4) A leniency application, a settlement application, the settlement protocols, as well as other supporting documents and information submitted to the Office in connection with application of these procedural tools, shall be kept outside a file until the statement of objections is issued. This also applies to requests and notifications sent by the Office to applicants in connection with their application.

(5) Parts of the file containing a leniency application or a settlement application are excluded from the file, as well as other supporting documents and information prepared by an applicant for the purposes of and in connection with the submission of that application; this also applies to requests and notifications from the Office sent by the Office to applicants in connection with their application. Pursuant to the conditions laid down in paragraph 3, these parts of the file may be disclosed only to the party to the proceedings or its representative; Article 38(4) of the Code of Administrative Procedure shall not apply.

(6) A request for confidentiality of an identity of the complainant, the documents and information provided by the complainant whose identity has been concealed by the Office, as well as the requests and notifications sent by the Office in connection with the request for confidentiality of the identity of the applicant of the complaint, shall be excluded from the access to the file until the statement of objections is issued. The Office shall, once the statement of objections has been issued, allow persons authorised to access to the file to examine documents which are excluded from the access to the file only in a form which does not compromise the confidentiality of the complainant's identity.

Article 21ca

Disclosure of Information Contained in File

(1) A leniency application or a settlement application shall be considered to be confidential information. The Office shall not disclose such information with an exception of its disclosure to the court for the purposes of judicial review of the Office's activity before administrative courts. This shall not apply to an application for reduction of a fine pursuant to Article 22ba(6) which has been withdrawn by the applicant.

(2) Documents and information drawn up and submitted for the purposes of ongoing administrative proceedings in the field of the protection of competition or the Office's supervision pursuant to Article 20 (1) as well as documents and information drawn up by the Office for such purposes shall be disclosed to public authorities after terminating the investigation or after the decision on terminating administrative proceedings comes into force; this shall not apply to review of the Office's activity before administrative courts.

(3) Should the court request the Office for disclosure of an application for refraining from imposing or reduction of a fine for the purposes of verification whether its non-disclosure is justified on the basis of its content, the Office shall enable through its authorized officer to access such application to the court; the authorized officer draws up a report containing a court's finding in respect of the content of the application and the justification of its non-disclosure.

Article 21d

Burden of Proof

(1) In case the parties to the proceedings in the matter of prohibited agreements claim that they are a subject to exemption pursuant to Article 3(4) or Article 4, they shall be obliged to provide evidence to prove the fulfilment of conditions for implementation of such exemption. In case the parties to the proceedings do not specify such evidence, the Office may consider such conditions as unfulfilled.

(2) Upon a request of the Office, a party to the proceedings is obliged to propose evidence to prove compliance with obligations, measures imposed pursuant to Article 18(5) and remedial

measures pursuant to Article 20(4). If the parties do not identify such evidence, the Office may consider that such commitments and measures have not been fulfilled.

Article 21e

Heading deleted

(1) When providing documents and information to the Office, including the business books and other business records or other records which may be important for clarification of the subject of the proceedings (hereinafter referred to as “business records”), everyone shall provide complete, correct and truthful documents and information.

(2) On the Office’s written request, the undertakings shall be obliged to provide the Office with documents and information, including the business records within the deadline stipulated by the Office. When requesting documents and information, the Office shall state the legal grounds and the purpose of an investigation and advise that the failure to provide them or to enable their verification may be subject to a disciplinary fine imposed by the Office pursuant to Article 22c.

Article 21f

Inspection of Business Premises

(1) The undertakings shall be obliged to bear an on-site inspection of the Office of the estates and all premises, rooms and means of transport which they use in their business activity (hereinafter referred to as “business premises”).

(2) Within an inspection, the Office’s employees or other persons authorized by the Office shall be entitled to

a) enter the business premises of the undertakings under the inspection;

b) verify whether the documents and records are business records;

c) review business records which are present on or are available from the business premises regardless of their form of storage;

d) copy or gain in any form copies or abstracts from business records;

e) seal business premises, or cabinets, cases, or business records placed at the business premises for the period and to the extent necessary for carrying out the inspection;

f) request cooperation necessary to conduct an inspection, as well as the explanation of the business records, from an undertaking and persons in employment or other similar relation to the undertaking, or persons authorized by the undertaking to perform certain activities on its behalf.

(3) During an inspection, the undertaking shall be obliged to provide the Office with the necessary assistance to exercise its powers pursuant to paragraph 2 and bear the exercise of such power.

(4) For the purpose of an inspection of business premises, the Office's employees shall be empowered to obtain access to these premises, to open any closed cabinets or cases, or in any other way obtain access to business records. Any person, in whose facility the business premises are situated, shall be obliged to bear the inspection conducted at these premises. If it fails to fulfil this obligation, the Office's employees shall be entitled to access to these business premises.

(5) An inspection shall be conducted based on a written authorization issued by the Chairperson of the Office or another person authorised to do so under internal regulations of the Office. The authorization shall contain in particular the name or names, surname, position and signature of the person authorized to issue such permission, the date of issuance and the official stamp, legal provisions, under which the inspection shall be conducted, identification of an undertaking, at whose business premises the inspection is to be conducted, a subject matter of the inspection and a date of its initiation, as well as the name or names and surname of the Office's employees, or other persons authorized by the Office to carry out the inspection.

(6) Prior to the initiation of an inspection, the Office shall inform an undertaking at whose business premises the inspection will be conducted about the legal reasons and the purpose of the inspection. Moreover, it shall instruct the undertaking of its rights and obligations pursuant to this Act, including the possibility to impose a fine.

(7) The undertakings may bring an action against an inspection conducted at their business premises.

(8) Paragraphs 1 to 7 shall apply mutatis mutandis to inspections conducted at the premises of public authorities.

Article 21g

Inspection of Non-Business Premises

(1) If a reasonable suspicion exists that the business records are kept elsewhere than at the business premises, including the residences of natural persons that are statutory bodies of an undertaking or their members, or who are in employment or a similar relation with the undertaking (hereinafter referred to as "non-business business premises"), an inspection may be conducted also at these premises with the prior authorization by the court.

(2) The legal provisions on an inspection of business premises shall be applied accordingly, except for the provision of Article 21f(2)(e).

Article 21ga

**Use of Record of Telecommunications Traffic, Telecommunications Traffic Data or
Recording of Persons and Objects**

The Office is authorised, in the exercise of supervision concerning the conclusion of a secret horizontal agreement or concerted practice aimed at distorting competition, to use as evidence a record of telecommunications traffic, telecommunications traffic data or a record made during the surveillance of persons and objects obtained in criminal proceedings

a) for a criminal act pursuant to Article 248(2) of the Criminal Code and transmitted to the Office by the criminal law enforcement authority after the completion of the preliminary proceedings, or

b) for any of the offences pursuant to Part Two, Section VI, Chapter 3 of the Criminal Code and transmitted to the Office at the time of surrender or referral of the case in accordance with the Code of Criminal Procedure.

Article 21h

Proceedings with EU Element

(1) In case the Office initiates proceedings concerning infringement of Article 101 or 102 of the Treaty, it shall proceed with its proceedings and inspections pursuant to Section VI of this Act and with decision-making pursuant to Article 7 and Article 11(2) - (5).

(2) In case the Office conducts investigations pursuant to Articles 20(6), 21(4), 22(1) or (2) of the Regulation, or Article 12(1) or Article 13(6) of the Merger Regulation, it shall proceed pursuant to Sections VI and VII of this Act.

(3) In case the Office has initiated proceedings concerning the infringement of Article 101 or 102 of the Treaty and the Commission initiates proceedings for the adoption of a decision under Chapter III of the Regulation in the same matter, the Office shall terminate its proceedings.

(4) In case the Office has initiated proceedings concerning the infringement of Article 101 or 102 of the Treaty and the same matter is already dealt with or is to be dealt with by a Competition Authority of another Member State, the Office shall terminate or suspend its proceedings until a decision by this Competition Authority is adopted.

(5) When imposing fines and remedial measures in investigations or proceedings pursuant to paragraphs 1 and 2, the Office shall proceed pursuant to Article 20(4) and pursuant to Section VII of this Act.

(6) In case the Commission decides to conduct an inspection pursuant to Article 21 of the Regulation, the Commission or the Office shall file a proposal to the court to initiate proceedings concerning the protection of competition.

Article 21i

Abolished

SECTION VII

OFFENCES

Article 22

Offences

(1) A natural person commits an offence as an undertaking if it

a) breaks a seal placed during an inspections pursuant to Article 21f(2)(e);

b) concludes an agreement contrary to Article 3(1);

c) abuses a dominant position contrary to Article 11(1);

d) implements a concentration between undertakings contrary to Article 18(1);

e) does not fulfil a commitment pursuant to Article 7(2), Article 11(3) or Article 17 (4) or fails to implement the measures pursuant to Article 18(5);

f) does not fulfil remedial measure imposed by the Office pursuant to Article 20(4) or another obligation stated in the Office's decision; or

g) fails to provide the Office with the necessary assistance during an inspection of business premises or premises other than business premises or violates the obligation to bear the inspection of business premises or premises other than business premises pursuant to Article 21f(3).

(2) A natural person commits an offence if it

a) fails to provide the Office with complete, correct or truthful business records pursuant to Article 21e (1), or

b) violates the obligation to bear an inspection of business premises or premises other than business premises pursuant to Article 21f(4).

(3) A fine of up to CZK 300,000 may be imposed for an offence pursuant to paragraph 1(a) and (g) or paragraph 2, and up to CZK 10,000,000 for the offence pursuant to paragraph 1 (b), (c), (d), (e) or (f), unless further stipulated below that no fine shall be imposed for the offence pursuant to paragraph 1 (b).

Article 22a

Offences of Legal Persons and Natural Persons – Entrepreneurs

(1) A legal person or a natural person – entrepreneur commits an offence as an undertaking if it

- a) breaks a seal placed during an inspection pursuant to Article 21f(2)(e);
- b) concludes an agreement contrary to Article 3(1);
- c) abuses a dominant position contrary to Article 11(1);
- d) implements a concentration between undertakings contrary to Article 18(1);
- e) does not fulfil a commitment pursuant to Article 7(2), Article 11(3) or Article 17(4) or fails to implement the measures pursuant to Article 18(5);
- f) does not fulfil remedial measures imposed by the Office pursuant to Article 20(4) or another obligation stated in the Office's decision; or
- g) fails to provide the Office with the necessary assistance during an inspection of business premises or premises other than business premises or violates the obligation to bear the inspection of business premises or premises other than business premises pursuant to Article 21f(3).

(2) A Legal Person and Natural Person – Entrepreneur commits an offence if it

- a) fails to provide the Office with complete, correct or truthful business records pursuant to Article 21e (1), or
- b) violates the obligation to bear an inspection of business premises or premises other than business premises pursuant to Article 21f(4).

(3) A fine of up to CZK 300,000 or 1% of the net turnover achieved by an undertaking for the last completed accounting period may be imposed for an offence pursuant to paragraph 1(a) and (g), a fine of up to CZK 300,000 or 1% of the net turnover achieved by this person for the last completed accounting period may be imposed for an offence pursuant to paragraph 2, and up to CZK 10,000,000 or 10 % of the net turnover achieved by the undertaking for the last completed accounting period for the offence pursuant to paragraph 1 (b), (c), (d), (e) or (f), unless further stipulated below that no fine shall be imposed for the offence pursuant to paragraph 1 (b). The amount of the fine shall not be set on the basis of the undertaking's turnover if this would not achieve the purpose of imposing the fine.

(4) If more than one person who form a single undertaking commits the same offence, they shall be liable for payment of the fine imposed jointly and severally.

(5) If a fine pursuant to paragraph 3 is imposed on an association of undertakings, it may be imposed in the amount of up to 10 % of the aggregate net turnover achieved by its members in the last completed accounting period. If the fine is not paid in full, each member of the association which was represented in the association's decision-making body shall be liable for payment of the fine imposed in the amount of up to 10 % of its net turnover for the last completed financial year. If the fine is nevertheless not fully paid, each member of the association shall be liable for payment of the fine in the amount of up to 10 % of its net turnover for the last completed accounting period. A member of the association which was not a member at the time when the offence was committed or which proves that it did not implement a decision of the association leading to a distortion of competition and was not

aware of that decision or refused it before the administrative proceedings were initiated shall not be liable for the fine imposed.

(6) For an offence referred to in paragraph 1(b) committed in connection with public procurement or award of a public contract or in connection with the conclusion of a contract on public passenger transport services, the Office may, together with the fine referred to in paragraph 3, impose a ban on the performance of public contracts and on the provision of public passenger transport services. An undertaking to which the fine has been reduced pursuant to Article 22bb may be prohibited from performing public contracts and providing public passenger transport services for a maximum period of one year. This prohibition may not be imposed on the undertaking in respect of which an immunity from the fine was granted to pursuant to Article 22ba(1)(a) or reduced pursuant to Article 22ba(1)(b).

(7) A penalty of ban on the performance of public contracts and the provision of public passenger transport services consists in prohibiting a legal person or a natural person – entrepreneur from concluding contracts for the performance of public contracts and from concluding contracts for public passenger transport services for the duration of this penalty. This prohibition shall not apply in cases of use of the negotiated procedure without publication of a notice where the award of a public contract is necessary as a result of an extremely urgent circumstance which the contracting authority could not have foreseen or caused and the time limits for the open procedure, the restricted procedure or the negotiated procedure with publication cannot be met. The period for which the prohibition on the performance of public contracts and the provision of public passenger transport services is imposed shall begin on the date on which the decision imposing the prohibition enters into force.

(8) The Office shall administer a public register of persons prohibited from performing public contracts and the provision of public passenger transport services, which shall contain the identification details of a legal person or a natural person - entrepreneur, who is banned from performing public contracts and the provision of public passenger transport services, the date, when the ban begins, and the date, when it ends, and identification details of a decision imposing such a ban. The registry shall be available in a manner allowing a remote access.

Article 22aa

Offences of Public Authorities

(1) A public authority commits an offence if it

a) breaks a seal placed during an inspection pursuant to Article 21f(2)(e);

b) distorts competition contrary to Article 19a(1);

c) fails to fulfil an obligation pursuant to Article 19a(4) ;

d) fails to fulfil a remedial measure imposed by the Office pursuant to Article 20(4) or another obligation stated in the Office's decision;

e) does not provide the Office with complete, correct or truthful business records pursuant to Article 21e (1);

f) fails to provide the Office with the necessary assistance during an inspection or violates the obligation to bear an inspection pursuant to Article 21f(3), or

g) violates the obligation to bear an inspection pursuant to Article 21f(4).

(2) A fine of up to CZK 300,000 shall be imposed for an offence pursuant to paragraph 1(a), (e), (f) or (g) and a fine of up to CZK 10,000,000 shall be imposed for an offence pursuant to paragraph 1(b), (c) or (d).

Article 22b

General Provisions on Offences

(1) When setting an amount of a fine to a legal person or a public authority and when imposing and setting a duration of a ban on public contracts, the Office shall take into account the seriousness of the offence, particularly the manner of the committing of the offence, and the consequences of the offence and the circumstances under which it was committed. The conduct of the legal person or the public authority in the course of the Office's proceedings shall be taken into account as well as their effort to eliminate detrimental consequences of the offence.

(2) Articles 20 and 21 of the Act on the Liability for Offences and Proceedings relating thereto, with the exception of Article 20(1) and (2), Article 20(4)(a) and (b) and Article 20(5) shall apply *mutatis mutandis* to the liability of a natural person-entrepreneur for the offence.

(3) When setting an amount of a fine to a legal successor of a legal person the Office shall also take into account the extent in which the proceeds, the benefits and other advantages from the committed offence passed on to the legal successor as well as the fact whether any of the legal successors continues in the conduct which constitutes the offence.

(4) Offences pursuant to this Act shall be dealt with by the Office.

(5) Joint proceedings in which offences of more suspects should be dealt with is initiated by the delivery of the Office's notification of the initiation of proceedings to the first of them.

(6) Offences which should be dealt with in the joint procedure pursuant to the law may be dealt with by the Office separately if, when imposing administrative sanctions the Office takes into account administrative sanctions imposed for such offences in separate proceedings.

(7) At least one authorized official involved in the proceedings for an offence conducted by the Office in each instance shall hold a university degree which corresponds at least to the master's degree in the field of law at a university in the Czech Republic. Provision governing proceedings for offences concerning educational requirements of authorized officials shall not be applied on the proceedings to which the Office has jurisdiction to deal with pursuant to this Act.

(8) Provisions of Article 13(2) and (3), Article 16, 17, Article 20(5), Article 24 to 27, Article 29(c), Article 35(a) and (d), Article 36, 37, Article 39(b), Article 42, 43, 45, 48, 49, Article 51(b), Article 53, 54, Article 68(b) and (c), Article 70, 71, Article 76(1)(i) and (l), Article 76(5), Article 78(2) the third sentence, Article 78(3), Article 80(2) and (3), Article 81, Article 82(1), Article 85(3), Article 87, Article 89 to 92, Article 93(1)(g) and (h), Article 93(3), Article 94, Article 95(3), Article 96(1)(b), Article 96(2) and (3), Article 98(2), Article 99(2) and Article 101 of the Act on the Liability for Offences and Proceedings relating thereto shall not be applied to the Office's proceedings pursuant to this Act.

(9) If, after an initiation of proceedings for a continuing, ongoing or collective offence consisting of distortion of competition, the accused entity continues to engage in that conduct, such conduct shall be deemed to constitute a single act until the statement of objections is issued.

(10) The person affected by an alleged offender's conduct shall not be notified of the termination of the case.

Article 22ba

Leniency

(1) Should the Office find an undertaking liable for an offence pursuant to Article 22(1)(b) or pursuant to Article 22a(1)(b),

a) it shall grant immunity from a fine, provided that the undertaking

1. is the first to submit to the Office information and documentation about a secret agreement or secret concerted practices, intended to distort competition (hereinafter referred to as "secret agreement") which the Office has not yet obtained and which justify the conduct of a targeted inspection or prove the existence of such secret agreement;

2. admits liability for participation in the secret agreement;

3. has not coerced other undertakings to participate in the secret agreement and

4. provides the Office with all documents and information available to it concerning the secret agreement; or

b) it shall reduce a fine, the amount of which it has informed the parties in the statement of objections, by up to 50 % in case the undertaking submits to the Office information and documents on the agreement which have significant added evidential value in relation to the evidential value of the documents and information already gathered by the Office and fulfils the conditions pursuant letter (a) points (2) and (4); in doing so, taking into account the undertaking's marker in a queue, the time at which it submitted the information and documents on the secret agreement to the Office, and the extent to which the information and documents strengthen, by its the nature or level of detail, the Office's ability to prove the secret agreement.

(2) The Office may grant immunity from a fine or reduce the fine only on the basis of a leniency application submitted by an undertaking who

a) terminated participation in a secret agreement,

b) actively contributes to the establishment of the facts of the case,

c) does not destroy, falsify or conceal the evidence or relevant information, even at the time it was considering applying for leniency,

d) without the permission of the Office, does not disclose or provide any information about the submission of the leniency application or its content before the Office issues the statement of objections on the matter, unless it does so to other competition authorities; and

e) provides information on any past or possible future leniency applications submitted in relation to the alleged secret agreement to any Competition Authority of another Member State or the Commission.

(3) The Office may preserve the undertaking's marker in a queue for the purpose of gathering the information and documents necessary for the submission of an immunity application from fines by setting a time limit for its submission. Information and supporting documents submitted within the time limit shall be deemed to have been submitted at the moment the request for the preservation of the marker.

(4) The undertaking's marker is preserved in order to apply for leniency based on a summary application. The summary application may be submitted where the undertaking has submitted an application for leniency or a request for a marker to the Commission in the same case and the conduct described in the application affects the territories of more than three Member States. If the summary application contains the elements referred to in paragraph 8 and the Office has no other application pending in the same case, it shall inform the applicant accordingly. The Office shall be entitled to request the undertaking to supplement the facts contained in the summary application.

(5) If the Office intends to initiate infringement proceedings in a case pursuant to paragraph 4, it shall invite an undertaking to submit a leniency application and shall set a time limit for the undertaking to do so. Such application shall be deemed to have been made at the time of the submission of the application for leniency by summary application if it is made within the time limit set by the Office and in the same case as the application made to the Commission.

(6) An immunity application shall be submitted no later than the date on which an undertaking received the statement of objections. The application for a reduction of the fine shall be submitted no later than 15 days after the date on which the undertaking received the statement of objections. A late submission of a leniency application shall be considered only in cases of special consideration.

(7) A leniency application may be withdrawn within 15 days of the expiry of the time limit for its submission. The leniency application that has been withdrawn and the documents and information accompanying it shall not be taken into account in the infringement proceedings.

(8) A leniency application, a request for a marker and a summary application shall contain, in addition to the general requirements laid down in the Administrative Code, an identification of the undertakings and a description of the conduct. The scope of identification of undertakings and description of the conduct shall be laid down in the implementing legislative act.

Article 22bb

Settlement

(1) After an initiation of proceedings for distortion of competition, the Office may in pursuance of procedural savings, initiate a settlement procedure if a party to the proceedings states in writing and within the time limit set by the Office that it will enter into the settlement; the Office need not take into account a notification made after the time limit.

(2) In the context of a settlement, a party to the proceedings may submit an application for a reduction of a fine by way of settlement in which it admits to a distortion of competition stated in the statement of objections. The application shall be submitted no later than 15 days after the date on which the statement of objections was notified to the party to the proceedings. The Office shall take into account the application submitted later only in cases of special consideration.

(3) An oral settlement hearing is conducted with each party to the proceedings separately.

(4) The Office may terminate the settlement procedure at any time either entirely or in relation to one or more of the parties to the proceedings, having regard to the nature and gravity of a distortion of competition or if it considers that procedural savings cannot be expected to be achieved. If the party to the proceedings does not submit a request pursuant to paragraph 2, the settlement with that party to the proceedings shall be terminated.

(5) If the Office finds a party to the proceedings guilty of distortion of competition, it shall, on the basis of a request pursuant to paragraph 2, reduce a fine of which it informed the party in the statement of objections by 10 to 20 %. In doing so, it shall take into account the level of procedural savings achieved, in particular the complexity of the proceedings, the length of the proceedings and the cooperation of the party to the settlement.

Article 22c

Procedural Fine

(1) A procedural fine may be imposed on anyone who obstructs the Office's procedure by

a) failing to provide business records in response to a written request of the Office within a specified period of time, or

b) failing to appear before a summons without due excuse.

(2) If it is necessary to ensure the conduct and purpose of the proceedings, a fine may be imposed on an undertaking who violates the obligation to bear an inspection of business premises or premises other than business premises pursuant to Article 21f(3).

(3) A fine of up to CZK 300,000 or 10% of the average daily net turnover achieved by an undertaking in the last completed accounting period for each day of non-compliance may be imposed. The rate of the fine shall not be set on the undertaking's turnover if this would not achieve the purpose of imposing the fine.

(4) A procedural fine also may be imposed repeatedly. The total amount of repeatedly imposed fines may not exceed CZK 10,000,000 or 10% of the net turnover achieved by an undertaking in the last accounting period.

Article 22d

Execution for Non-monetary Performance by Imposing Periodic Penalty Payment

(1) When enforcing non-monetary performance by imposing periodic penalty payments, a periodic penalty payment of up to CZK 300,000 or 10% of the average daily net turnover achieved by an undertaking for the last completed accounting period may be imposed for each day of non-compliance. The amount of the fine shall not be set on the undertaking's turnover, unless this would not achieve the purpose of imposition of the fine.

(2) A periodic penalty payment may be imposed repeatedly. The total amount of repeatedly imposed periodic penalty payment may not exceed CZK 10,000,000 or 10 % of the net turnover achieved by an undertaking in the last completed accounting period.

Article 23

Limitation Period, Suspension and Interruption of Limitation Period

(1) A limitation period under this Act shall be ten years.

(2) A limitation period for breach of a seal placed pursuant to Article 21f(2)(e), failure to provide complete, correct or truthful business records pursuant Article 21e(1), failure to provide the necessary assistance during an inspection of business premises or premises other than business premises and for violation of the obligation to bear the inspection of business premises or premises other than business premises pursuant to Article 21f(3) and for violation of the obligation to bear the inspection of business premises or premises other than business premises pursuant to Article 21f(4) shall be three years. Paragraph 4(d) shall not apply.

(3) The duration of the proceedings conducted in relation to the proceedings regarding an offence before an administrative court and the duration of proceedings for the same conduct before the Commission or the Competition Authority of another European Union Member State shall not be included within the duration of the limitation period.

(4) A limitation period shall be interrupted:

- a) by notifying an initiation of proceedings for an offence,
 - b) by issuing the statement of objections,
 - c) by issuing a decision finding the accused entity guilty,
 - d) by the moment of transmitting the case by the Commission or by a Competition Authority of another European Union Member State to the Office.
- (5) An interruption of a limitation period starts a new limitation period.
- (6) If a limitation period is interrupted, the liability for an offence ceases to exist no later than after a period of 14 years since it was committed and the liability for an offence pursuant to paragraph 2 ceases to exist no later than six years after it was committed. Such period shall be extended by the period pursuant paragraph 3.

SECTION VIII

PROFESSIONAL SECRECY AND THE PROTECTION OF A BUSINESS SECRET

Article 24

A person employed by or in any other relationship with the Office, on the basis of which it performs an activity for the Office, shall not disclose any facts whatsoever which the person learned during this activity and which constitute a business secret or confidential information. This obligation shall remain in force after the termination of this relationship.

SECTION IX

International Cooperation

Chapter 1

General Provisions

Article 24a

Scope of Competence

- (1) The Office shall ensure the implementation of international cooperation in the application of Articles 101 and 102 of the Treaty pursuant to this Act.
- (2) On the basis of a request for international cooperation transmitted by the Office, the Customs Office for the South Moravian Region, which is the administrator of the payment of the fine arrears, shall recover the fine arrears imposed in the requesting Member State.

Article 24b

Cooperation Between Authorities and Confidentiality

(1) The Office and the authorities of the Customs Administration of the Czech Republic shall cooperate with each other and exchange information necessary for the implementation of international cooperation without delay.

(2) The provision of data related to the provision of international cooperation by the authorities of the Customs Administration of the Czech Republic to the Office or to the Competition Authority of another Member State is not a breach of the confidentiality obligation pursuant to the Tax Code.

Article 24c

Request for International Cooperation

(1) International cooperation shall be provided on the basis of a request for international cooperation, in the form of a request for delivery of a document or a request for enforcement of the fine arrears.

(2) A request for international cooperation shall contain the identification data of an undertaking and the information necessary to ensure the delivery of the document or the enforcement of the fine arrears. The scope of the identification data of these undertakings and information shall be determined by the implementing legislative act.

(3) A request for international cooperation shall be accompanied by the document to be delivered or a decision on the basis of which a fine is to be enforced.

Article 24d

Language of Communication

(1) The Office shall send a request for international cooperation in the official language of the requested Member State or in a language agreed between the Office and the Competition Authority of the requested Member State as the language of communication.

(2) If the legislation of the requested Member State requires a translation of the document to be delivered or of a decision on the basis of which a fine is to be enforced, and the Office and the Competition Authority of that Member State fail to agree, the Office shall also attach a translation of the document or such decision into an official language of that Member State to the request for international cooperation.

(3) The Office may agree with the Competition Authority of the requesting Member State that a request for international cooperation, a document to be delivered or a decision on the basis of which a fine is to be enforced may be transmitted to the Office in a language other than the Czech language.

Article 24e

Conditions for Refusal of a Request for International Cooperation

(1) The Office may refuse a request for international cooperation if

- a) it does not have the requirements pursuant to Article 24c(2) or (3);
- b) the request for international cooperation on the enforcement of the fine arrears and a decision accompanying the request for international cooperation is not final; or
- c) a provision of international cooperation could clearly be contrary to public policy or the security of the Czech Republic.

(2) The Office may also refuse a request for international cooperation if

a) in respect to the request for international cooperation on the enforcement of fine arrears and

- 1. an undertaking from whom the fine arrears can be enforced has sufficient assets in the requesting Member State that could be sufficient to pay that fine; or
- 2. the Competition Authority of the requesting Member State has not made reasonable efforts to identify the data referred to in point 1; or

b) it is a request for international cooperation in the delivery of a document which is not a decision or other document relating to the application of Articles 101 or 102 of the Treaty.

(3) If a public authority carrying out an action in the context of international cooperation finds that there are grounds for refusing a request for international cooperation pursuant to paragraph 1, it shall notify the Office thereof, together with the supporting documents which led it to that conclusion, and postpone the exercise of those actions until the date on which the Office notifies that it will not reject the request for international cooperation referred to in paragraph 1.

(4) If the Office finds out that there are grounds for the refusal of a request for international cooperation, it may request additional information from the Competition Authority of the requesting Member State.

(5) If the Office rejects a request for international cooperation, it shall inform the Competition Authority of the requesting Member State accordingly. In the case of a refusal pursuant to paragraph 1(c), the Office shall provide that Competition Authority with evidence of the facts which lead it to refuse the request for international cooperation to such an extent which is not capable of endangering public order or the security of the Czech Republic.

Article 24f

Limitations on Assessment of Legality

A public authority is not competent to assess the legality of

- a) a request for international cooperation sent by a Competition Authority of another Member State,
- b) delivery of a document in another Member State on the basis of a request for delivery of a document,
- c) enforcement in the requested Member State on the basis of a request for enforcement of the fine,
- d) a document issued by the authority of the requesting Member State to be delivered in the Czech Republic, or
- e) a decision issued by a Competition Authority of another Member State to be enforced in the Czech Republic.

Article 24g

Fine Arrears

For the purposes of this Act, the fine arrears shall mean an arrears of a fine, procedural fine or periodic penalty payment imposed pursuant to this Act or an arrears of a similar fine imposed pursuant to the legislation of another Member State.

Chapter 2

International Cooperation in Delivery of Documents

Article 24h

Delivery of Document in Another Member State

The Office may request the Competition Authority of another Member State to deliver a decision or other document relating to application of Articles 101 or 102 of the Treaty.

Article 24i

Delivery of Document from Another Member State

On the basis of a request for delivery of a document sent by a Competition Authority of another Member State, the Office shall ensure its delivery in accordance with the Administrative Code.

Article 24j

Delivery Costs

(1) At the request of the Competition Authority of the requested Member State, the Office shall cover the reasonable costs incurred in connection with delivery of the document in that Member State.

(2) The Office may request the Competition Authority of the requesting Member State to cover the costs of service of the document.

Chapter 3

International Cooperation in Enforcement of Fine Arrears

Division 1

The Enforcement of Fine Arrears in Another Member State

Article 24k

Enforcement of Fine Arrears

The Office may request the Competition Authority of another Member State to enforce the fine arrears imposed in application of Articles 101 or 102 of the Treaty.

Article 24l

Exchange Rates and Exchange Differences

(1) For the conversion of the amount in Czech currency into the amount in foreign currency, the exchange market rate announced by the Czech National Bank valid for the date of legal force of a decision referred to in a request for international cooperation shall be used.

(2) If the fine arrears are not fully covered solely as a result of the difference between the exchange rate of the foreign exchange market announced by the Czech National Bank valid for the day on which the amount transferred by the authority of another Member State was credited to the account of an administrator for payment of the fine arrears and the exchange rate valid for the day on which the decision referred to in a request for international cooperation becomes final, the fine arrears shall be deemed to have been paid and the remaining unpaid part of the fine arrears shall be cancelled. If the exchange rate difference referred to in the first sentence results in an overpayment, it shall become revenue of the State budget.

Article 24m

Enforcement Costs

(1) The Office shall, at the request of the Competition Authority of the requested Member State, pay the enforcement costs incurred in the recovery of the fine arrears. The provisions of the Tax Code on enforcement costs shall not be affected.

(2) The costs referred to in paragraph 1 are also enforcement costs pursuant to the Tax Code.

(3) Where reciprocity is ensured, the Office may cover the enforcement costs referred to in paragraph 1 at a flat rate according to the law of the requested Member State.

Division 2

Enforcement of Fine Arrears from Another Member State

Article 24n

Application of Tax Code

(1) The administration of the payment of the fine arrears from another Member State shall be proceeded in accordance with the Tax Code within shared governance. The time of commencement, the running of the period and the length of the period for the payment of the fine arrears shall be governed by the law of the requesting Member State.

(2) For the purposes of this Act, the amount of the fine arrears recovered from another Member State shall be considered as a revenue of the public budget.

Article 24o

Title for Enforcement of Fine Arrears

A request for international cooperation is the only title for the enforcement of a fine in the Czech Republic on the basis of a request from another Member State.

Article 24p

Exchange Rates

For the purposes of this Act, the amount of the fine arrears in foreign currency shall be converted into Czech currency at the foreign exchange market rate announced by the Czech National Bank valid for the date of legal force of the decision referred to in the application for international cooperation.

Article 24q

Enforcement Costs

(1) If the proceeds of the enforcement do not cover the execution costs, the Office may request the Competition Authority of the requesting Member State to cover those enforcement costs.

(2) The enforcement costs covered by paragraph 1 shall be used to pay the enforcement costs assessed against the debtor pursuant to the Tax Code.

Article 25

Transfer of Enforced Amount

The amount of the fine arrears enforced or, where applicable, the part enforced, less the costs of enforcement, shall be transferred by the arrears administrator to an account specified by the Competition Authority of the requesting Member State.

SECTION X

GENERAL, EMPOWERING, TRANSITORY AND REPEALING PROVISIONS

Article 25a

Use of Administrative Procedure Code

Unless otherwise specified by this Act, the Administrative Procedure Code shall be used in proceedings before the Office with the exception of the provision on solving conflicts between the administrative agency that conducts the proceedings and the administrative agencies that are the affected agencies concerning the issue constituting the object of decision-making,¹⁸⁾ the provision on the prohibition of changes in an appealed decision to the detriment of appealing party,^{18b)} the provision on legal periods for issuing a decision,^{18c)} provisions on the special features of the appellation proceedings and the composition of the remonstrance commission and on the possible manner of termination of an appellation proceeding^{18d)} and the provision on parties to the proceeding^{18e)} and on the procedure when in doubts regarding whether an entity is a party to the proceeding.^{18f)} However, the provisions of the Administrative Procedure Code shall apply on parties to the proceeding pursuant to special Act.^{18g)}

Article 25b

The legal provisions on the state inspection²¹⁾ shall not apply to the procedure of the Office pursuant to this Act.

Article 26

Enabling Provisions

(1) The Office shall stipulate by implementing legal regulation the details of the justification and documents certifying facts decisive for the concentration between undertakings pursuant to Article 15(3)(b) and Article 16a(1).

(2) The Office may by legal regulation pursuant to Article 4(2) grant a block exemption from the prohibition of agreements pursuant to Article 3(1).

(3) The Office shall issue a decree implementing Article 22ba(8) and 24c(2).

Article 27

Transitory Provisions

(1) The exemptions granted pursuant to the hitherto legal regulation are considered as the exemptions granted pursuant to this Act.

(2) Proceedings initiated prior to the entry into force of this Act shall be completed in accordance with the hitherto regulations.

Article 28

Repealing Provisions

The following legal regulations shall be repealed:

1. Act No. 63/1991 Coll., on the Protection of Competition.
2. Act No. 495/1992 Coll. amending Act No. 63/1991 Coll., on the Protection of Competition.

PART TWO

Amendment to Act No. 286/1993 Coll.

Article 29

In Act No. 286/1993 Coll., amending Act No. 63/1991 Coll., on the Protection of Competition, as amended by Act No. 495/1992 Coll., and Act No. 513/1991 Coll., Commercial Code, as amended by Act No. 264/1992 Coll., Act No. 591/1992 Coll. and Act No. 600/1992 Coll., Articles I, II and IV shall be repealed.

PART THREE

Amendment to Act No. 132/2000 Coll.

Article 30

In Act No. 132/2000 Coll., Amending and Repealing Certain Acts Related to the Act on Regions, Act on Municipalities, Act on District Offices and Act on the Capital City of Prague, Article XVI shall be repealed.

PART FOUR
ENTRY INTO FORCE

Article 31

The Act shall enter into force on 1 July 2001.

Klaus m.p.

Havel m.p.

Zeman m.p.

1) Article 17 et seq. of the Treaty on European Union.

1a) Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.

1b) Council Regulation (EC) No. 139/2004 of 20 January 2004 on the control of concentrations between undertakings.

1c) Act No. 29/2000 Coll., on Postal Services and on Amendments to Certain Acts (the Postal Services Act), Article 23 of Act No. 6/1993 Coll., on the Czech National Bank, Article 9 of Act No. 468/1991 Coll., on the Operation of Radio and Television Broadcasting, as amended, Act No. 151/2000 Coll., on Telecommunications and on Amendments to Other Acts.

2) Article 2976 of the Civil Code.

4) Article 580 of the Civil Code.

5) Article 42 of the Treaty.

Council Regulation (EC) No. 1184/2006 of 24 July 2006 applying certain rules of competition to the production of agricultural products and trade (codified version).

8) Article 189 of the Civil Code.

9) Act No. 182/2006 Coll., on Bankruptcy and Possible Solutions (Insolvency Act), as amended.

11) Article 1(1) of Act No. 21/1992 Coll., on Banks, as amended.

13) Article 22(1) of Council Regulation (EC) No. 139/2004.

14) Act No. 273/1996 Coll., on the Competence of the Office for the Protection of Competition, as amended by Act No. 187/1999 Coll.

14a) Article 4(4) and (5) of Council Regulation (EC) No. 139/2004.

- 14b) Article 9(2) of Council Regulation (EC) No. 139/2004.
- 14c) Article 22(1) of Council Regulation (EC) No. 139/2004.
- 14d) Article 9(3) of Council Regulation (EC) No. 139/2004.
- 18) Article 136(6) of the Administrative Procedure Code.
- 18b) Article 90(3) of the Administrative Procedure Code.
- 18c) Article 71 of the Administrative Procedure Code.
- 18d) Article 152(3) and (5) of the Administrative Procedure Code.
- 18e) Article 27(1) and (2) of the Administrative Procedure Code.
- 18f) Article 28 of the Administrative Procedure Code.
- 18g) Article 27(3) of the Administrative Procedure Code.
- 19) Article 55(2) of Act No. 256/2004 Coll., on Capital Market Business, as amended by Act No. 230/2008 Coll. and Act No. 188/2011 Coll.
- 19a) Act No. 128/2000 Coll., on Municipalities (Municipal Establishment), as amended.
Act No. 129/2000 Coll., on Regions (Regional Establishment), as amended.
Act No. 131/2000 Coll., on the Capital City of Prague, as amended.
- 21) Act No. 255/2012 Coll., on Control (Control Rules).
- 22) Act No. 215/2004 Coll., on the Regulation of Certain Relations in the Field of State Aid and Amending the Act on Research and Development Support, as amended.
- 23) Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market
- 24) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)
Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market
- 25) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)
- 26) Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market