

**NOTICE OF THE OFFICE FOR THE PROTECTION OF COMPETITION OF 29/7/2023
ON THE APPLICATION OF THE ARTICLE 22BA OF THE ACT ON THE PROTECTION OF
COMPETITION
LENIENCY PROGRAMME**

CONTENT:

PREAMBLE

I. INTRODUCTION

II. IMMUNITY FROM FINE (LENIENCY TYPE I)

III. REDUCTION OF FINE (LENIENCY TYPE II)

IV. COMMON CONDITIONS FOR APPLICATION OF LENIENCY PROGRAMME

V. NON-IMPOSITION OF BAN TO PERFORM PUBLIC CONTRACTS

VI. PROCEDURAL RULES

VII. COOPERATION OF NATURAL PERSONS AND LENIENCY

VIII. FINAL PROVISION

PREAMBLE

By the Notice of the Office for the Protection of Competition of 29/7/2023 on the Application of the Article 22ba of the Act on the Protection of Competition (hereinafter referred to as the “**Leniency Notice**”), the Office for the Protection of Competition (hereinafter referred to as “**the Office**”) sets out the framework for the procedure pursuant to the Article 22ba of the Act No 143/2001 Coll., on the Protection of Competition and Amendments to Certain Acts (the Act on the Protection of Competition), as amended (hereinafter referred to as “**the Act**”), when granting an immunity from a fine or when reducing a fine imposed on the parties to a secret agreement or secret concerted practice aimed at distorting competition (hereinafter referred to as “**secret agreement**”), who decide to cooperate with the Office in the course of an investigation of anti-competitive conduct in question.

I. INTRODUCTION

1. Secret agreements represent agreements or concerted practices between two or more undertakings which have as their object to distort competition. These include, in particular, price-fixing, market-sharing, including bid rigging agreements, setting of production or sales quotas, restrictions of online sales, imports or exports, and agreements on minimum resale price maintenance.
2. Secret agreements have a negative impact on the sector of the economy to which they relate because by limiting competition they remove pressure that force undertakings to innovate under regular market conditions, to implement more efficient production processes and to lower prices. Ultimately, such practices lead to artificially high prices and reduced choice for consumers, loss of competitiveness in the long-term and reduced job opportunities in the sector.
3. Secret agreements have extremely harmful effects on competition and the Office considers the fight against such agreements to be one of its main priorities. However, given their confidential nature, it is generally very difficult to detect, prove and prohibit such agreements without the cooperation of the undertakings implicated in them. The Act therefore allows the Office to apply the Article 22ba to those undertakings who are willing to put an end to such anti-competitive conduct and, under the fulfilment of specified conditions, to cooperate in the course of the investigation of the secret agreement with the Office irrespective of the other parties to this agreement.
4. Provisions of Article 22ba of the Act may be applied in cases where according to the Office's assessment undertakings committed an offence pursuant to the Article 22(1)(b) or the Article 22a(1)(b) of the Act.
5. The Office considers that the transparent definition and explanation of its procedure for the application of the Article 22ba of the Act in this Leniency Notice shall enable undertakings to better understand how and under what conditions applications for immunity from fine or a reduction of fine pursuant to the Article 22ba (6) of the Act (hereinafter referred to as "**the leniency application**") may be submitted, thereby it increases their legal certainty. The legal certainty and understanding of undertakings are essential for them to benefit from the legal possibility of applying for leniency.
6. This Leniency Notice follows the Act and at the same time the Model Leniency Programme of the European Competition Network ('**ECN**')¹ and the Leniency Programme of the European Commission² and shall be interpreted in accordance with these documents. It applies to both agreements prohibited pursuant to the Article 3(1)

¹ The document is available on e.g. https://ec.europa.eu/competition/ecn/mlp_revised_2012_en.pdf.

² Official Journal of the European Union C 298, 8. 12. 2006, p. 17. Available from: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52006XC1208%2804%29>.

of the Act and Article 101(1) of the Treaty on the Functioning of the European Union. When using leniency, it is possible to grant immunity from a fine to an undertaking (“**Leniency Type I**”) or to reduce the fine imposed on an undertaking (“**Leniency Type II**”).

II. IMMUNITY FROM FINE (LENIENCY TYPE I)

7. This part includes the conditions under which the Office grants immunity from a fine to an undertaking who is a party to the secret agreement. Depending on the nature of the information and documents submitted by such undertaking to the Office, a distinction is made between Leniency Type I. A and Leniency Type I. B.

II.1. Leniency Type I. A

8. The Office shall grant immunity from a fine to an undertaking given the following conditions are met:
 - a) the undertaking is the first of all undertakings to submit to the Office the information and documents relating to a secret agreement which has not yet been obtained by the Office and which possibly justify the conduct of a targeted on-site inspection;³ the relevance of such information and supporting documents shall be assessed by the Office; and at the time of the leniency application submission, the Office has not yet carried out an on-site inspection in the matter of the secret agreement, nor did it have sufficient information and supporting documents to justify the conduct of the on-site inspection,
 - b) the undertaking admits the participation in the secret agreement;
 - c) the undertaking did not coerce other undertakings to participate in the secret agreement;
 - d) the undertaking handed over to the Office all supporting documents and information on the secret agreement available to it; and
 - e) the undertaking complies with the general conditions for the application of leniency pursuant to the Article 22ba (2) of the Act.⁴

II. 2. Leniency Type I. B

9. The Office shall grant immunity from a fine to an undertaking given the following conditions are met:
 - a) the undertaking is the first of all undertakings to submit to the Office information and documents relating to a secret agreement which has not yet been

³ See the Article 21f or Article 21 g of the Act.

⁴ See Part IV of this Leniency Notice

obtained by the Office and which proves the existence of such an agreement; the relevance of such information and documents shall be assessed by the Office,

- b) the undertaking admits the participation in the secret agreement;
- c) the undertaking did not coerce other undertakings to participate in the secret agreement;
- d) the undertaking handed over to the Office all supporting documents and information on the secret agreement available to it;
- e) no undertaking has yet been granted Leniency Type I. A in connection with this secret agreement; and
- f) the undertaking fulfils the general conditions for the application of leniency pursuant to Article 22ba (2) of the Act.⁵

III. REDUCTION OF FINE (LENIENCY TYPE II)

10. The Office shall reduce the fine imposed on an undertaking under the following conditions:
 - a) the undertaking submits to the Office information and supporting documents relating to a secret agreement having significant added evidential value in relation to the evidential scope of the information and supporting documents already in the Office's possession;
 - b) the undertaking admits participation in the secret agreement;
 - c) the undertaking provides the Office with all supporting documents and information on the secret agreement available to it; and
 - d) the undertaking fulfils the general conditions for the application of leniency pursuant to the Article 22ba (2) of the Act.⁶
11. The concept of '*significant added evidential value*' refers to the information and supporting documents that, by their nature or detail, increase the ability of the Office to prove an alleged secret agreement. In the course of the assessment, the Office usually gives greater value to documents originating from the period to which they relate than to later documents, e.g. in the form of a mere statement. Similarly, it is, in general, considered that information and evidence directly linked to and proving the anti-competitive conduct are of a greater value than information and evidence relating only indirectly. The value of that information and supporting documents is also affected by the degree of corroboration from other sources

⁵ See Part IV of this Leniency Notice

⁶ See Part IV of this Leniency Notice.

necessary for the reliability of the information submitted. The significant added evidential value constitutes also information and evidence enabling the Office to prove complex anti-competitive behaviour, higher gravity or longer duration of the alleged secret agreement.

12. Given the conditions for application for Leniency Type II for a **horizontal secret agreement** are met, the Office shall first take into account the marker of undertakings in which they applied for a reduction of the fine and then reduces the fine
 - a) by 30-50 % to the first undertaking who provided the Office with information and supporting documents representing significant added evidential value,
 - b) by 20-30 % to the second undertaking who provided the Office with information and supporting documents representing significant added evidential value,
 - c) by up to 20 % to other undertakings who provided the Office with information and supporting documents representing significant added evidential value.
13. Given the conditions for application of Leniency Type II for a **vertical secret agreement** are met, the Office shall reduce the fine to an undertaking who provided the Office with information and supporting documents representing significant added evidential value by up to 30 %.
14. When determining the level of the fine reduction in each of these cases, the Office shall also take into consideration the exact time when undertakings submitted to the Office information and documentation meeting the requirements of point 10 of this Leniency Notice and the extent to which the information and supporting documents increase, by their nature or details, the ability of the Office to prove the secret agreement.
15. Where an undertaking is the first to submit information and supporting documents enabling the Office to prove the higher gravity or longer duration of the alleged secret agreement, the Office shall not take those aggravating facts into consideration when setting the fine imposed on such undertaking.

IV. GENERAL CONDITIONS FOR APPLICATION OF LENIENCY PROGRAMME

16. The conditions set out in points 8 to 10 for each type of leniency application shall be fulfilled cumulatively.
17. In order to meet the requirements of the Office, the undertaking shall, in particular, submit the following information and supporting documents:
 - a) To the extent known to the undertaking at the time of submission:

- i. name and address of the undertaking applying for immunity from a fine and the names and addresses of all other undertakings participating or who did participate in the alleged secret agreement;
- ii. detailed description of the alleged secret agreement, including the objectives, activities and the manner in which it operates, etc.;
- iii. data on the products and services concerned;
- iv. details on the geographical scope of the secret agreement, its duration and the estimated volumes of the market affected by the agreement,
- v. precise details on contacts within the secret agreement (in particular the date, location, content and participants of the alleged contacts); explanations on the individual documents submitted in support of the application;
- vi. names, job positions, location of the premises and, where necessary, the addresses of the homes/apartments of all individuals who, to the knowledge of the undertaking, are or have been involved in the alleged secret agreement, including individuals involved in it on behalf of the undertaking.

b) Other information and supporting documents relating to the alleged secret agreement which are in the undertaking's possession or are accessible to it at the time of the application submission, in particular evidence from the period of the illegal conduct.

18. The Office may grant immunity from a fine or reduce a fine only on the basis of an application submitted by an undertaking who complies with the following conditions:

- a) The undertaking formally ended its involvement in the secret agreement, except where, according to the assessment of the Office, the continuation of participation is necessary in order not to jeopardize the effective conduct of an on-site inspection;
- b) the undertaking actively assists in clarifying the case,
- c) the undertaking does not destroy, falsify or conceal evidence or important information, not even at the time when it was considering the submission of the leniency application;
- d) the undertaking shall promptly provide all relevant information and supporting documents relating to the alleged secret agreement possessed or obtained by it;
- e) the undertaking shall provide only truthful, complete and accurate

information, not misleading information;

f) the undertaking remains at the Office's disposal to answer promptly to its requests in order to contribute to the establishment of the state of the matter;

g) the undertaking makes current and, where possible, former employees and members of statutory bodies available to the Office for interviews,

h) the undertaking shall not disclose or provide any information on the submission of the leniency application or its content without the consent of the Office before the Office issues the statement of objections in this matter, unless it does so before other competition authorities; and

i) the undertaking provides information on any past or potential future leniency applications submitted in connection with the alleged secret agreement to any competition authority of another EU Member State or the European Commission.

V. NON-IMPOSITION OF BAN TO PERFORM PUBLIC CONTRACTS

19. If the Office issues a decision to grant immunity from a fine pursuant to Part II of this Leniency Notice or to reduce the fine pursuant to Part III of this Leniency Notice, a ban to perform public contracts and to provide public passenger transport services shall not be imposed on the same undertaking.⁷

VI. PROCEDURAL RULES

20. Immunity from a fine pursuant to Part II of this Leniency Notice or reduction of a fine pursuant to Part III of this Leniency Notice may be granted only on the basis of an application submitted by an undertaking. Only persons authorised to represent the undertaking or act on its behalf may file submissions to the Office.
21. Leniency application represents a submission to the Office, respectively a voluntary notification made by or on behalf of an undertaking consisting of the undertaking's admission of awareness of the secret agreement and its role in such agreement drafted specifically for the purpose of submitting an application pursuant to this Leniency Notice.
22. A leniency application may be submitted in writing,⁸ orally on the record or in an electronic form signed by a certified electronic signature.⁹ Provided that the submission is confirmed by the undertaking within 5 days or supplemented in

⁷ See the Article 22a (6) of the Act.

⁸ This can also be done through delivery to the Office Data Box (data box ID: fs2aa2t).

⁹ Act No 297/2016 on trust services for electronic transactions, as amended.

the manner set out in the first sentence, it may be filed using other technical means.

23. If requested, the Office shall issue an acknowledgement of receipt of the application and an acknowledgement of receipt of all subsequent submissions containing supporting documents. In the acknowledgement the Office shall indicate the date and, where applicable, the time of receipt of each such submission.
24. An application for the immunity from a fine shall be submitted at the latest by the date on which the statement of objections was delivered to the undertaking. The application for a reduction of the fine must be submitted no later than 15 days from the date on which the statement of objections was delivered to the undertaking. The application may be withdrawn within 15 days from the date of expiry of the deadline for its submission. The application which has been withdrawn and the information and supporting documents accompanying it shall not be taken into consideration in the course of the administrative proceedings.¹⁰ The Office shall assess the application submitted after the deadline only in cases worthy of special consideration.¹¹
25. The leniency application as well as other supporting documents and information drawn up by the applicant for the purpose of submitting that application and in connection with it to the Office, shall be kept outside the administrative file until the statement of objections is issued and shall be excluded from the access to the file; this also applies to Office's requests and communications sent by the Office to applicants in connection with their leniency application.¹² After the statement of objections is issued, pursuant to the Article 21c(3) of the Act these parts of the file may be accessed only by the party to the proceedings or its representative; the Article 38(4) of the Code of Administrative Procedure shall not apply.¹³
26. The Office shall not consider other applications for immunity from a fine until it takes a position on an existing application concerning the same alleged infringement. At the same time, the Office shall not take into consideration any application for a reduction of a fine until it takes a position on all applications for immunity from a fine relating to the same illegal conduct.
27. The Office shall indicate the granting of immunity from a fine or the amount of the reduction of a fine in the statement of objections.

VI.1. Procedural rules for applications for immunity from fine (Leniency Type I)

28. An undertaking who files an application for immunity from a fine shall submit to the Office all information and supporting documents relating to the alleged secret

¹⁰ See Article 22ba (7) of the Act.

¹¹ See Article 22ba (6) of the Act.

¹² See Article 21c (4) of the Act.

¹³ See Article 21c (5) of the Act.

agreement in its possession, as specified in the Leniency Type I terms. Information and documents submitted by an undertaking to justify the application for immunity from a fine must be explicitly and unambiguously identified as such by the undertaking.

29. The undertaking may preliminarily consult such information and documentation with the Office or submit it first in a **hypothetical form**. The provision of information and supporting documents in hypothetical form constitutes a qualified form of a prior consultation with the Office; in such a case, the undertaking shall provide a list of documents it intends to submit at the time agreed with the Office. The list shall accurately reflect the nature and content of the supporting documents, while maintaining the hypothetical nature of the application. Incomplete copies of documents from which confidential parts have been removed may be used to clarify the nature and content of the supporting documents. The identity of the undertaking applying for the immunity from a fine and the identity of other undertakings involved in the alleged secret agreement need not be disclosed before the submission of the supporting documents described in the application for immunity from a fine. However, the goods affected by the alleged secret agreement, its territorial effects and its estimated duration shall be clearly specified. The level of detail of the information and supporting documents submitted in hypothetical form may be consulted with the Office.
30. If an undertaking intends to submit an application for immunity from a fine and a certain period of time to collect the information and supporting documents necessary for the submission of such an application, the Office may secure the marker of the undertaking's application by setting a time limit for the submission. The information and supporting documents submitted within the specified time limit shall be deemed to have been submitted at the time when the request to secure the marker of the application was submitted.
31. In case of the provision of information and supporting documents in hypothetical form, the Office shall verify whether the nature and content of the documents described in the list qualify the undertaking for the immunity from a fine of type I. A or type I. B and inform the undertaking of its assessment. The provision of information and supporting documents in hypothetical form does not constitute an application for immunity from a fine pursuant to this Leniency Notice, nor does it provide an assurance of marker of the undertaking in overall queue of received applications for immunity from a fine.
32. In a **request to secure the marker** the undertaking shall submit to the Office information on its name and address, the participants in the alleged secret agreement, the goods concerned, geographical scope of the conduct, the estimated duration of the alleged secret agreement and the specification of the alleged

infringement. The undertaking shall substantiate the request for a marker.

33. A request for the marker shall contain the facts on which concerns are based on, such that led to its submission instead of submission of an application for immunity from a fine.
34. If the Office grants the marker to the undertaking, it shall set a time limit within which the undertaking has to apply for the immunity from a fine including a submission of all the required information and supporting documents. Where the undertaking submits the application within the respected time limit, it shall be deemed to have been submitted at the time at which the request for a marker was filed.
35. After the receipt of the leniency application, the Office shall verify without undue delay, whether the undertaking qualifies for the application of Leniency Type I. If the information and supporting documents submitted indicate this, the undertaking shall receive a conditional confirmation in writing that the requirements for granting the immunity from a fine are met.
36. If the Office, after the assessment of the received application for immunity from a fine, concludes that Leniency Type I. A or I. B cannot be granted, it shall inform the undertaking accordingly. In such a case, an undertaking may request the Office to consider its submission as an application for a reduction of a fine (Leniency type II), and the Office shall consider its application as an application for a reduction of a fine filed at the time when the initial application for immunity from a fine was submitted to the Office.
37. Where the Office has conditionally confirmed to an undertaking the fulfilment of the conditions for immunity from a fine and where that undertaking continues to comply with the general conditions of leniency after such confirmation throughout the proceedings, the Office shall not impose a fine on such undertaking in its final decision.
38. If an undertaking did not comply with the general leniency conditions in the course of the proceedings, the Office shall inform the undertaking about thereof; such an undertaking may be sanctioned in the final decision.

VI.2. Procedural rules for applications for reduction of fine (Leniency type II)

39. An undertaking who files an application for a reduction of a fine shall submit to the Office all information and supporting documents relating to the alleged secret agreement in its possession, as specified in the Leniency Type II terms. The information and supporting documents by the submission of which the undertaking justifies the application for a reduction of the fine shall be explicitly and unambiguously identified as such by the undertaking.

40. If the Office concludes that the information and supporting documents submitted by the undertaking represent significant added evidential value, and if the undertaking complied with the conditions for a reduction of the fine, the Office shall inform the undertaking in writing of the conditional fulfilment of the requirements for a reduction of the fine and of the zone within which the fine could be reduced. If the Office concludes that the information and supporting documents submitted by the undertaking do not represent significant added evidential value and/or the undertaking has not complied with the conditions for a reduction of the fine, the Office shall inform the undertaking accordingly.
41. If the Office has conditionally confirmed to the undertaking the fulfilment of the conditions for a reduction of the fine and if that undertaking continues to comply with the general leniency conditions after such confirmation throughout the whole proceedings, the Office shall reduce the fine imposed on such undertaking in its final decision.
42. If the undertaking did not comply with the general leniency conditions in the course of the whole proceedings, the Office shall inform the undertaking thereof; such an undertaking may be sanctioned by the final decision on the matter without any reduction of the penalty.

VI.3. Summary applications

43. Where, pursuant to the Article 14 of the Commission's Notice on cooperation,¹⁴ the European Commission represents the most suitable competition authority for the investigation of given case, an undertaking who has applied for leniency or is in the process of applying for leniency to the European Commission, irrespective of whether it is an application for Leniency Type I. A, I. B or Leniency Type II, may use the so-called 'summary application'. In such a case, the undertaking may submit the main (complete) application to the European Commission and to the Office only a so-called summary application, which shall contain at least:
 - a) the name and address of the undertaking submitting the summary application,
 - b) information on the alleged secret agreement (participants, goods concerned, geographical scope of the conduct, location of evidence, brief description of the conduct, time specification of the conduct, other necessary information);
 - c) information on the Leniency application submitted to the European Commission (date of submission of the application, case number under which the Leniency application is submitted to the European Commission, Directorate-

¹⁴ Commission Notice on cooperation within the Network of Competition Authorities, see: [https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=celex:52004XC0427 %2802 %29](https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=celex:52004XC0427%2802%29), C 101, 27/4/2004, p. 43.

General for Competition, the justification why the undertaking considers the European Commission to be the well-placed competition authority);

d) information on the existence of other Leniency applications (name of the competition authority where the application was/will be submitted and contact details) and

e) additional information, if any.

44. Once the Office has received the summary application, the undertaking shall receive a confirmation of the submission and the Office shall determine the ranking of the summary application according to the date and time of its receipt. The Office shall inform the undertaking filing the summary application whether it is the first undertaking to file a summary application to the Office in relation to the alleged secret agreement.
45. In case the Office intends to further examine the matter it shall set a time limit for the undertaking to complete all relevant information and supporting documents contained in the summary application so that the application complies with the conditions mentioned above for granting immunity from a fine or for a reduction of the fine. If the undertaking submits such information and supporting documents within the set time limit, it shall be deemed to have been submitted at the time when the ranking of the summary application was determined (a marker for the summary application was granted).
46. The Office shall assess the submitted information and supporting documents according to the specified ranking of the summary applications and whether they qualify for the immunity from a fine or whether they qualify for a reduction of the fine.
47. Summary applications shall also constitute applications for leniency pursuant to the paragraphs of this Leniency Notice and shall be handled in the same manner.
48. A summary application may also be submitted through the template laid down in the ECN¹⁵ (hereinafter referred to as 'the **template**'), the contents of which fully correspond to those of the summary application described in point 43 of this Leniency Notice. Summary application submitted through a template shall be submitted to the Office only in English.¹⁶

¹⁵ Template is available at: https://competition-policy.ec.europa.eu/system/files/2021-07/mlp_revised_2012_annex_en.pdf

¹⁶ If the Office further examines the case, the summary application and any other material related to it must be submitted additionally in the Czech or Slovak language.

VII. COOPERATION OF NATURAL PERSONS AND LENIENCY

49. Criminal liability of a natural person¹⁷ for the offence of an infringement of competition legal provisions pursuant to the Article 248(2) Alinea one of the Criminal Code by the conclusion of a price-fixing agreement, a market-sharing agreement or other anti-competitive agreement with its competitor (here in after referred to as '**the cartel under the Criminal Code**') ceases to exist if the offender complies with the conditions enacted in the Act for granting immunity from a fine or for a reduction of the fine.¹⁸ In order to be able to apply this provision as a specific form of active repentance, the Office considers that a particular natural person, as a potential committer of such a criminal offence, should either be actively involved in the submission of a leniency application and the fulfilment of the general conditions of leniency by an undertaking, or that the natural person cooperates with the Office in its sense, i.e. without connecting it to a leniency application submitted by an undertaking.
50. In order for a natural person to qualify for leniency pursuant to the Article 248a of the Criminal Code it is necessary that it shall be clear from the statements submitted by the undertaking which natural persons have actively participated in preparation of the leniency application. The active involvement of specific natural persons in the submission of a leniency application may be proved in the leniency application, for example by submitting separate statements of specific natural persons concerning the information provided by them about the agreement when preparing the submitted leniency application, ideally including a detailed description of their role and involvement in it.
51. In order to recognise the fulfilment of the conditions pursuant to the Article 248a of the Criminal Code by a natural person on the part of the Office by his/her cooperation with the Office without connection to an application for leniency submitted by an undertaking, it is necessary that:
- a) the natural person shall provide the Office with information and supporting documents relating to the cartel agreement under the Criminal Code, which have not yet been obtained by the Office and justify the conduct of a targeted on-site inspection;¹⁹ the relevance of such information and supporting documents shall be assessed by the Office; At the time when the application was submitted, the Office had not yet carried out an on-site inspection in the matter of the cartel agreement under the Criminal Code and did not have sufficient information and

¹⁷ Such a person may be e.g. employees of an undertaking or a person in the capacity of the statutory body of an undertaking or other person acting on behalf of an undertaking.

¹⁸ See Article 248a of the Act No 40/2009, the Criminal Code, as amended ('the **Criminal Code**').

¹⁹ See Article 21f or Article 21 g of the Act.

supporting documents to justify the conduct of the on-site inspection, or

b) the natural person shall submit information and documents relating to the cartel under the Criminal Code, which have not yet been obtained by the Office and which prove the existence of such an agreement; the relevance of such information and supporting documents is assessed by the Office, or

c) the natural person shall submit information and documents relating to the cartel under the Criminal Code, which have significant added evidential value in relation to the probative value of the information and supporting documents obtained already by the Office;

d) the natural person shall provide the Office with all supporting documents available to it and information on the cartel under the Criminal Code, and

e) in the same manner as the undertaking, the natural person shall comply with the conditions set out in point 17 and 18 with the exception of point 18(a), (g), (i) of this Leniency Notice.

52. In case the Office accepts the compliance of a natural person with the conditions set out in points 50 or 51 of this Leniency Notice, upon the request of criminal law enforcement authorities or court, the Office shall confirm that the natural person, as an offender, has, in his opinion, met the conditions pursuant to the Act for granting immunity from a fine or for a reduction of a fine within the meaning of Article 248a of the Criminal Code.²⁰

VIII. FINAL PROVISION

53. This Leniency Notice became effective on 29/7/2023 and applies to all applications submitted after 29/7/2023 and replaces the Office's previous Notice of 4/11/2013 on the application of Article 22ba (1) of the Act on the Protection of Competition (Leniency Programme).

DISCLAIMER:

This is not an official translation.

Translated by the Office for the Protection of Competition.

²⁰ In no case does the Office have the power to prejudice and guarantee in any way the conduct of law enforcement authorities and courts in relation to the assessment of committing a criminal offence consisting of the conclusion of a cartel under the Criminal Code and the application of Article 248a of the Criminal Code to criminal proceedings. In respect to the Article 248a of the Criminal Code, this Notice therefore merely declares the Office's opinion on the correct application of this provision and its procedure in case the Office is asked to comment on the fulfilment of the conditions of this provision by the law enforcement authorities or by the court.