

**DECREE**

**of the Antimonopoly Office of the Slovak Republic**

of 19 June 2014

**laying down details of settlement conditions**

Pursuant to Article 38e of Act No. 136/2001 Coll. on Protection of Competition and on Amendments and Supplements to the Act of the Slovak National Council No. 347/1990 Coll. on Organization of Ministries and Other Central Bodies of State Administration of the Slovak Republic as amended in the wording of the Act No. 151/2014 Coll. (hereafter referred to as "the Act"), the Antimonopoly Office of the Slovak Republic (hereafter referred to as "the Office") stipulates the following:

Article 1

(1) In the proceedings initiated pursuant to Article 25 paragraph 1 of the Act (hereafter referred to as "the proceedings") in the matter of violation of the Act the settlement discussion (hereafter referred to as "the discussion") shall begin by:

- a) proposal of the Office to initiate the discussion delivered to a party to the proceedings pursuant to Article 25, paragraph 3 of the Act (hereafter referred to as "the party"); or
- b) request of the party to initiate the discussion delivered to the Office.

(2) If the discussion according to the paragraph 1 letter a) has been initiated, the party shall express its interest in the discussion within the set time limit. The Office shall disregard the expression delivered after the set time limit. The discussion is considered concluded if the time limit set for expression expired vainly.

(3) Request to initiate the discussion shall be submitted at any moment during the proceedings, but not later than the time limit set for expression of the party on the statement before issuing a decision pursuant to Article 33 of the Act expires. Requests delivered after expiry of the time limit shall be disregarded.

Article 2

(1) If the discussion is carried out before the statement before issuing a decision pursuant to Article 33 has been delivered to the party, the Office shall provide the party with the preliminary conclusions of the proceedings. The party may express its interest to continue in the discussion within the set time limit. The discussion is considered concluded if the time limit set for expression expired vainly.

(2) At the end of the discussion the Office submits to the party the settlement proposal which includes description of violation of the Act or Article 101 or 102 of the Treaty on the Functioning of the European Union including its duration which the

Office considers proved and the fine which the Office intends to impose in the proceedings concerned pursuant to Article 4.

(3) The party may comment on the settlement proposal or it may submit a declaration pursuant to Article 3 within the set time limit. If the party does not comment on the proposal within the set time limit or it declares its disagreement with the settlement proposal in writing, the discussion is considered concluded.

### Article 3

(1) If the party agrees with the settlement proposal within the time limit pursuant to Article 2 paragraph 3, it delivers to the Office the written declaration on its participation in the violation of the Act or Article 101 or 102 of the Treaty on the Functioning of the European Union, and admits its liability for this conduct. Declaration could be done also orally, noted in the minutes.

(2) Declaration includes:

a) indication of the party;

b) admission of participation in the violation of the Act or Article 101 or 102 of the Treaty on the Functioning of the European Union as it was specified in the settlement proposal;

c) acceptance of fine specified in the settlement proposal; and

d) declaration of the party that the Office adequately informed it on preliminary conclusion pursuant to Article 2 paragraph 1 and provided it with the appropriate time to comment on these conclusions.

(3) If more parties have joint representative and they make a joint declaration, the requirements pursuant to paragraph 2 shall be indicated separately for each party.

(4) If the content of written declaration corresponds with the settlement proposal, the party is informed that its declaration was accepted. Once the information on acceptance of declaration is delivered the discussion is considered concluded by settlement.

(5) If the discussion is not concluded by settlement, other requests of the party with which the discussion has been concluded will be disregarded.

### Article 4

(1) If the discussion is concluded by settlement the Office shall reduce a fine that would be otherwise imposed on the party by 30% in the matter of agreement restricting competition pursuant to Article 4 paragraph 1 of the Act or Article 101 of the Treaty on the Functioning of the European Union concluded between the undertakings which, for the purpose of agreement restricting competition, operate on the same level of production or distribution chain, and in the matter of abuse of a dominant position pursuant to Article 8 paragraph 3 of the Act or Article 102 of the Treaty on the Functioning of the European Union.

(2) The Office shall reduce a fine that would be otherwise imposed on the party by 50% if the discussion is concluded by settlement in cases other than listed in paragraph 1.

(3) If the party which proposed a settlement, simultaneously applied for reduction of fine pursuant to Article 38d paragraph 2 of the Act, its fine shall be reduced based on settlement from the fine already reduced pursuant to Article 38d paragraph 2 of the Act.

(4) If the settlement is not reached, the Office disregards the declaration of the party pursuant to Article 3 paragraphs 1 and 2.

#### Article 5

This Decree shall enter into force on 1 July 2014.

**Tibor Menyhart, sign manual**