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COMPETITION COMMITTEE

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**ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN POLAND**

-- 2015 --

15 - 17 June 2016

*This report is submitted by Poland to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 15-17 June 2016.*

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## TABLE OF CONTENTS

1. Changes to competition laws and policies, proposed or adopted .....	3
1.1 Summary of new legal provisions of competition law and related legislation/Government proposals for new legislation.....	3
1.2 Competition and Consumer Protection Policy .....	3
1.3 Other relevant measures, including new guidelines .....	4
2. Enforcement of competition laws and policies.....	5
2.1 Action against anticompetitive practices, including agreements and abuses of dominant position.....	5
2.1.1 Summary of activities of competition authorities and courts .....	5
2.1.2 New procedures and reorganized structure of the competition protection department .....	6
2.1.3 Description of significant cases.....	7
2.2 Mergers and acquisitions.....	8
2.2.1 Statistics on number, size and type of mergers notified and/or controlled under competition laws .....	8
2.2.2 Summary of significant cases.....	9
3. The role of competition authorities in the formulation and implementation of other policies .....	10
4. Resources of competition authorities.....	11
4.1 Resources overall (current numbers and change over previous year) .....	11
4.1.1 Annual budget (in your currency and USD):.....	11
4.1.2 Number of employees (person-years): .....	11
4.1.3 Human resources applied to non-administrative competition staff: .....	12
5. Summaries of or references to new reports and studies on competition policy issues .....	12
5.1 Market Studies.....	12
5.1.1 Selected market research carried out by UOKiK in 2015: .....	12
5.2. Information and educational activities.....	13
5.2.1 Relations with media .....	13
5.2.2 Conferences .....	13
5.2.3 UOKiK receives honourable mention in ICN competition advocacy contest .....	14

**ANNUAL REPORT ON COMPETITION POLICY - 2015 - POLAND**  
**OFFICE OF COMPETITION AND CONSUMER PROTECTION**

**1. Changes to competition laws and policies, proposed or adopted**

***1.1 Summary of new legal provisions of competition law and related legislation/Government proposals for new legislation***

1. The “competition” amendment of the competition and consumer protection act was adopted by the Parliament in 2014 and entered into force on 18 January 2015 along with three regulations implementing the new provisions – concerning the leniency programme, the notification and submission of documents, and the calculation of undertakings’ turnovers within the framework of the merger control procedure respectively.

2. However, the amendment proceeded in 2015 concerned consumer issues. The “consumer” amendment to the Act was adopted by Poland’s parliament on September 4, 2015. New provisions enhanced UOKiK’s powers to eliminate mis-selling of financial products and other consumer abuses and introduced a new system of eliminating abusive clauses in consumer contracts. The amendment entered into force on 17 April 2016.

3. The new regulations define as illegal the offering of financial products not suited to consumer needs and give the Authority new tools to detect and challenge consumer abuses. It also allows UOKiK to issue administrative decisions regarding abusive clauses in consumer contracts. Such decisions will be subject to a court review. Moreover, key provisions include the introduction of “mystery shopping” with court permission. UOKiK investigators will be able to pose as consumers to gather evidence. The “mystery shopper” will be used to verify how a product or service is offered, and how a contract is concluded, not to provoke. The new law also empowers UOKiK to publish free communications and warnings on public radio and television, making it possible to quickly and effectively warn consumers about behaviours or practices that seriously threaten their interests.

***1.2 Competition and Consumer Protection Policy***

4. Once every three years UOKiK prepares a strategy paper called “Competition Policy”, which indicates the most important issues concerning the development of competition in the national economy, as well as UOKiK’s goals and priorities. In 2015, for the first time, this policy document combined competition and consumer protection angles to underscore the synergy between the two, as well as to increase transparency and the state’s cohesive activities in these areas. The policy document was produced by UOKiK but considers the activities of a host of other organisations, including sector regulators, the members of the Council of Ministers, auditors and other control organs, and NGOs, as well as the benefits that result from their cooperation and exchange of experience. It is the first of its kind to combine the Polish government’s strategy for growing competition and consumer protection policy. In terms of the latter, the document advocates for intensified proceedings into infringements of collective consumer interests and targeted legal action, especially in the sector of financial services. The outlined strategy also seeks to improve the system of competition protection by sharpening the methods of cartel detection and close scrutiny of the telecommunications sector. The competition authority, on the other hand, is expected to increase the level of transparency of its activities, adopt an open approach in dealing with the business community and last but not least strengthen the rules for procedural fairness. Overall, the government’s policy document urges UOKiK to enhance consumer welfare and create necessary conditions for effective

competition, which guarantees among others fair-play between undertakings and consumers. As consumer abuses are often manifestations of competition law infringements, swift reaction from UOKiK's part is necessary to restore fair rules of the game and save consumers from possible losses. In practice, those aims will be further refined and translated into concrete actions by UOKiK's Evaluation Committee, which plays a central role in prioritising cases according to public interest criterion and ensuring the Authority's resources are deployed in the most efficient fashion.

### **1.3 Other relevant measures, including new guidelines**

5. UOKiK has been working on building a culture of more transparent and open relationships with enterprises and the business community. In the pursuit of these objectives, in 2015 UOKiK published the following guidelines:

- on the process of issuing commitment decisions,
- on the newly introduced settlement procedure,
- on setting fines for competition-restricting practices,
- on the process of issuance of the detailed justification of charges,
- on the criteria and procedure of notifying the intention of concentration,
- on UOKiK's rules for contact with enterprises,
- on the principles UOKiK applies when publishing the results of its market studies,
- on rules for informing on judicial control over UOKiK's decisions

6. The guidelines on the process of issuing commitment decisions contain clarifications concerning the procedure for evaluating commitment proposals, accepting or rejecting the undertaking's recovery plan, as well as sanctions for failure to implement the undertaken commitments. The guidelines on the settlement procedure, on the other hand, are meant to provide a first insight into the functioning of the institution introduced into the Polish legal framework with the amendment of the competition act in force since January 2015. More specifically, they lay out the eligibility criteria for undertakings wishing to settle their case, define the stage of the proceedings at which it is possible to apply the procedure, as well as specify the manner of calculating fines in proceedings where participation in the leniency programme is combined with the settlement procedure. The rules for contact with enterprises provide guidance on the organisation of meetings: for example, they set out that requests for a meeting must be made by email, outlining the agenda and listing participants to the meeting.

7. In October 2015, UOKiK launched a public database of court rulings. The database contains all court rulings on decisions UOKiK has issued in cases of competition-restricting practices, merger control, violation of the collective consumer interests and the use of abusive clauses. Rulings that have both upheld and overturned the Authority's decisions or reduced fines it has levied are covered as well. As depicted in "*Rules for informing on judicial control over UOKiK's decisions*" UOKiK also publishes press releases summarising rulings that have a significant bearing on the Authority's case law, the situation on the market and consumers themselves.

## 2. Enforcement of competition laws and policies

### 2.1 Action against anticompetitive practices, including agreements and abuses of dominant position

#### 2.1.1 Summary of activities of:

- - competition authority;
- - courts.

8. In 2015 UOKiK received **570** notifications, launched **177** preliminary proceedings and **34** antitrust proceedings.

The table represents the structure of the proceedings in detail:

	Total	Closed in 2015
<b>Antitrust proceedings:</b>	71	41
Antitrust proceedings concerning <b>horizontal</b> agreements	25	11
Including:		
conducted pursuant to Article 101 TFEU	2	1
Antitrust proceedings concerning <b>vertical</b> agreements	5	1
Including:		
conducted pursuant to Article 101 TFEU	0	0
Antitrust proceedings concerning abuses of a <b>dominant position</b>	41	29
Including:		
conducted pursuant to Article 102 TFEU	1	0
<b>Preliminary proceedings:</b>	378	290

#### Structure of the decisions issued by UOKiK in 2015

	Horizontal agreements	Vertical agreements	Abuse of a dominant position
Decisions <b>finding the practice to be competition-restricting and ordering its discontinuation</b>	2	0	9
Decisions <b>finding the practice to be competition-restricting and recognising that it has been discontinued</b>	7	0	4
Commitment decisions	0	1	11
Proceedings <b>discontinued</b> in total,	2	0	7
including due to:			
finding no competition-restricting practice	1	0	7
other reasons	1	0	0

- **Court decisions in antitrust matters:**

9. Entrepreneurs may lodge appeals against the decisions of UOKiK and complaints about UOKiK's resolutions to the Court of Competition and Consumer Protection at the Regional Court in Warsaw (SOKiK). Appeals against decisions of the Court of Competition and Consumer Protection may be heard by the Warsaw Court of Appeals. It is also possible to file a cassation complaint to the Supreme Court.

**The statistics of judgements in antitrust proceedings are the following:**

	Court of Competition and Consumer Protection	Court of Appeal	Supreme Court
Number of judgements issued in 2015 in antitrust cases including:	40	50	0
concerning vertical agreements	8	25	0
concerning horizontal agreements	15	6	0
concerning abuses of a dominant position	17	19	0

  

Conclusions of the judgements of the Court of Competition and Consumer Protection in antitrust cases	Number
Overruling the decision of the President of UOKiK	7
Changing the decision of the President of UOKiK	8
Dismissing the enterprise's appeal	26

- **Judgment of the Warsaw Court of Appeals on Interchange Fees**

10. In October 2015, following a lengthy appeal procedure (the case passing twice through the court of first instance), the Warsaw Court of Appeals upheld UOKiK's decision on interchange fees. The Court confirmed that the agreements between 20 banks setting interchange fee rates using Visa and MasterCard systems restricted competition and maintained the fines imposed by UOKiK in December 2006.

#### *2.1.2 New procedures and reorganized structure of the competition protection department*

11. In 2015 the department responsible for competition protection was reorganised to reflect UOKiK's determination to boost cartel detection. A separate unit, under a deputy director, was formed to facilitate market screening and analysis of potential anti-competitive behaviour across the economy. The authority also took measures to strengthen its search and forensic functions.

12. As of September 1st 2015 UOKiK began issuing voluntary "detailed justification of charges" – an equivalent to a statement of objections – as a way to enhance parties' right of defence. Long advocated by market participants, the measure reflects the authority's commitment to boost procedural fairness and quality of its decisions. UOKiK presents its justification of charges to enterprises when it has finished gathering evidence in a case. The document contains a factual and legal justification of the charges it is pressing along with evidence to support them so that the enterprise has the opportunity to respond before a decision is issued. Also in September, the authority introduced an internal Evaluation Committee, providing a mechanism for evaluating the consistency and quality of proceedings and decisions in the light of UOKiK's policies and priorities. Made up of representatives of UOKiK's management, heads of departments and experienced case handlers, the committee is tasked with evaluating the decision-making process at each step of a proceeding, from initiation to completion.

### 2.1.3 Description of significant cases

- **UOKiK's decision to fine PGNiG for failing to fully comply with a commitment decision (DOK-3/2015)**

13. In September 2015 UOKiK fined Polskie Górnictwo Naftowe i Gazownictwo (PGNiG), a leading Polish oil and gas company, 2.45 mln EUR for failing to comply with a part of the commitment decision it had accepted in December 2013. The commitment required PGNiG to remove from its contracts provisions preventing customers from reducing the amount of gas they had ordered. However, UOKiK's own monitoring of the commitment as well as feedback from the market indicated that actual implementation of this commitment was less than complete. Even though PGNiG had indeed removed the old contractual provisions, they had been replaced with new terms which, in practice, yield the same essential results.

- **Abuse of dominance on the electrical energy market (Decisions RKR-3/2015 + RKR-4/2015)**

14. In 2013, a power supplier found itself unable to ensure the supply of electricity because it had failed to provide the required security instrument and lost the right to transmit electrical energy (Polish law requires every electricity distribution contract concluded between an energy supplier and recipient to include a backup supplier, a measure intended to guarantee that service will continue should the primary supplier cease distribution). In consequence, two companies from the Tauron energy group were asked to launch the backup procedure. However, upon initiating it, the backup electricity suppliers called upon customers to pay extremely high charges at very short notice or risk having their power cut off. UOKiK determined it plausible that the conditions the backup suppliers imposed were too strict and excessive. In certain cases the charges amounted to 2.5 times the sum for projected monthly energy consumption of a given company and had to be paid in advance on short notice. In addition, the contracts gave the suppliers the right to unilaterally terminate a contract, and hence cease the supply of energy—even when the customer had paid the charges in time. Tauron Sprzedaż and Tauron Sprzedaż GZE accepted UOKiK's objections and agreed to lower the charges to the equivalent of customers' monthly energy consumption and to extend the payment deadlines. Moreover, unfair contract provisions bestowing upon backup energy suppliers the right to unilaterally terminate contracts for reasons other than those enumerated in the Polish Energy Law were to be removed.

- **Poland's largest rail freight operator fined (Decision DOK-5/2015)**

15. In December 2015 UOKiK found that PKP Cargo (Poland's largest rail freight operator) abused its dominant position on the rail freight market and fined the company 3,3 million EUR. UOKiK established that in 2006 PKP Cargo introduced regulations allowing it to refuse to sign a special agreement with enterprises it saw as a competitor. The contract extended attractive discounts to companies that did not compete directly with PKP Cargo, while also preventing competitors from expanding their activity and gaining new customers.

- **Wristwatch market collusion (Decision DOK-4/2015)**

16. Also in December 2015 UOKiK fined Swatch Group Polska and several retailers more than 400 000 EUR for establishing minimum retail prices on watches in both brick-and-mortar and online shops. The agreement resulted in consumers being unable to purchase watches for less than a prearranged price minus a given rebate. The agreement had vertical elements between the Swatch Group and retailers, as well as a *hub and spoke* arrangement, whereby the competing retailers leveraged Swatch Group Polska's location on a different rung of the supply chain to exchange information on resale prices and other price policies while avoiding direct contact with one another. Three of the retailers also directly exchanged information about prices.

- **Proceedings in the hotel online booking case**

17. In October 2015 four owners of online platforms: Hotel Reservation Service, Expedia Lodging Partner, Booking.com and eTravel voluntarily abandoned the use of Most Favoured Nation clauses (such clauses guarantee that the price, room availability and other conditions offered will not be lower or will be equal to the price offered by competing portals or accommodation). The clauses frequently appeared in contracts drafted by the owners of online accommodation booking platforms and limited competition in the hotel online booking sector. In consequence, UOKiK was able to conclude preliminary proceedings pertaining to cooperation of hotels and owners of online accommodation booking platforms.

## 2.2 *Mergers and acquisitions*

### 2.2.1 *Statistics on number, size and type of mergers notified and/or controlled under competition laws*

18. In 2015, **262** cases concerning merger and acquisition (M&A) control were conducted, of which **235** were closed with the following result:

	Number
Merger cases handled by UOKiK in 2015	262
including:	
concluded in 2015	235
Types of conclusions reached in merger cases in 2015:	
total clearances	218
including:	
consents to transactions which will substantially lessen competition - waivers of merger prohibition (Article 20 section 2. of the Act of 16 February 2007 on competition and consumer protection)	0
conditional clearances	1
prohibitions	0
discontinued merger proceedings	0
returned merger notifications	11
withdrawal of the notification	5
fine for failure to notify transaction	0

#### **The statistics of judgements in proceedings concerning merger control:**

Court of Competition and Consumer Protection	Court of Appeal	Supreme Court
1	1	0

## 2.2.2 *Summary of significant cases.*

- **Decision DKK– 176/2015: Conditional clearance on the cement market**

19. A Polish subsidiary of the international HeidelbergCement Group, Góraźdze submitted its application for consent to take over Duda Kruszywa and Duda Beton, two smaller Polish cement producers. In its investigation, UOKiK looked at a full 112 of the three companies' competitors, particularly the volume and value of their sales, the size of their sales' territory, and their opinions on the potential takeover. UOKiK determined that the geographic market for ready-mix concrete extends to 25 kilometres from the site where the cement is produced. Given these dimensions, competition on the market surrounding Duda Beton's cement mixing plant in Olszowa would be significantly reduced were the takeover allowed to go through unchallenged. The three companies already command the highest market share in that area, and after the acquisition the expanded enterprise would significantly exceed the 40 percent share that marks a dominant position. In response, Góraźdze submitted a proposal that would have it exclude all of the financial and non-financial assets that make up the plant in Olszowa, hence removing the threat to competition and assuaging UOKiK's concerns.

- **In-depth review of mergers in 2015**

20. As of 18 January 2015 a two-stage analysis of merger and acquisition control was introduced to the legal system, with simple cases resolved within a month and more complex ones reviewed within additional four months. In 2015, out of 262 proceedings UOKiK reached 219 decisions in the I phase, while 7 were put for further analysis within phase II. One was cleared under conditions (the Góraźdze Cement/Duda Kruszywa and Duda Beton transaction, described in detail in question 14), two others received total green light to go-ahead with their transactions. The first one was the Industrial Development Agency's (Agencja Rozwoju Przemysłu, ARP) bid to acquire rail passenger transportation company Przewozy Regionalne. Following an in-depth investigation into the market of repair of electric multiple units (EMUs) and passenger cars, where the parties of the transaction formed a supplier-customer relationship, UOKiK came to the conclusion that the level of competition would remain satisfactory and ARP acquisition of the rail transportation company would not constitute a threat to other entities active on the market.

21. In December 2015 UOKiK also consented to a transaction between companies offering cloud services, including hosting, registering and maintaining web pages (acquisition of home.pl by 1&1 Internet). The analysis showed that the takeover would most impact the domestic registration and domain and hosting services markets, though not to the extent that competition would be affected on any of them, or that their structure would be significantly changed. Following the transaction, 1&1 Internet will continue to face competition from other companies.

22. In Xella/Silikaty case reviewed under phase II of investigation, Xella Poland producer of cellular concrete and silicate intended to takeover Silicate Group which deals in silicates. UOKiK's analysis into the masonry and wall materials market proved that the acquisition could significantly limit competition on local silicate production and sales markets within a radius of 200 km from the Silicate Group's seven production facilities. UOKiK addressed competition reservations to the transaction. In response, in January 2016 the parties abandoned their intention to merge. The proceedings were as a result discontinued.

23. Finally, three transactions analysed within phase II are still under UOKiK's review. These are:

- Cargill's takeover of Dossche (animal feed market);
- transaction between owners of shopping centres in Warsaw - Unibail/Rodamco, ZT General Partners and Warsaw III and
- takeover of Affina Group Holdings by Mann Hummel (market of production and sale of car filters).

**3. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies**

24. UOKiK not only enforces competition law but also performs its mission by partaking in legislative procedures concerning effective protection of competition and consumers interests. This task is mainly realized by drafting legal acts and participating in inter-departmental consultations. In 2015 UOKiK was involved in works on 1449 projects and opinions on the acts drafted by the Parliament. The Authority's experts were analyzing the documents trying to identify how the new regulations could possibly influence competition and consumers.

- In 2015 UOKiK contributed to the law-making process by conducting the legislative works on (i.a):
  - the Act amending the Act on Competition and Consumer Protection and Polish Code of Civil Procedure ("consumer amendment" mentioned in point 1.1 above)
  - the Act amending the act on consumer credit;
  - Regulation of the Council of Ministers on the exemption of certain types of transfer technology agreements from the prohibition on competition restricting agreements;
  - Regulation of the Council of Ministers amending the regulation on reports on state aid granted, information on failure to grant such aid and reports on entrepreneurs' arrears in payments due for the sector of public finances;
  - Regulation of the Council of Ministers amending regulation on the scope of information provided by the entity applying for aid other than *de minimis* aid or *de minimis* aid in agriculture and fisheries.
- In addition UOKiK took part in the legislative works of other institutions by contributing:
  - Act on antitrust damages
  - Act on Economic Activity;
  - Act on systems of compliance and monitoring of the market;
  - Act on work at sea;
  - Act amending the act on explosives intended for civil use and other acts;

- Act on safety in trade of precursors for explosives;
- Regulation of the Council of Ministers on the conditions and mode of refundable financing within the framework of the government program implemented by the National Economy Bank (Bank Gospodarstwa Krajowego) supporting housing construction and minimal requirements regarding lodgings created with input from these loans and from bond issued funds;
- Regulation of the Ministry of Economy on financial support granted by the National Capital Fund;
- Regulations of the Ministry of Economy regarding fuel and natural gas.

#### 4. Resources of competition authorities

##### 4.1 Resources overall (current numbers and change over previous year)

###### 4.1.1 Annual budget (in your currency and USD):

	2014		2015	
	PLN	USD*	PLN	USD*
Total annual budget:	<b>55.40 mln</b>	14.741 mln	<b>64.743 mln</b>	17.227 mln
Expenditure structure:				
(a) UOKiK	<b>53.6 mln</b>	14.262 mln	<b>62.066 mln</b>	17.047 mln
(b) funding for non-governmental associations carrying out governmental consumer protection tasks	<b>1.635 mln</b>	0.43 mln	<b>2.675 mln</b>	0.71 mln
(c) Tasks connected to national security	<b>0.002 mln</b>	0.0005 mln	<b>0.002 mln</b>	0.0005 mln

\*USD = 3,77 PLN (13/04/2016)

###### 4.1.2 Number of employees (person-years):

	Persons	Posts
<b>1 January 2015</b>	472	458,45
<b>31 December 2015</b>	464	454,83
<b>Average per year</b>	471,9	460,55

##### Staff turnover in 2015

	Persons	Posts
<b>Employed</b>	36	35,5
<b>Terminated employment</b>	34	29,85

##### Staff's roles:

Lawyers	Economists	Others
168	90	91

**Staff's average age:**

Age	Number of persons	% of total employees
<b>Below 30</b>	70	16
<b>31-40</b>	234	54
<b>41-55</b>	106	20
<b>56 and above</b>	54	10

*4.1.3 Human resources applied to non-administrative competition staff:*

- Mergers: **14**
- Anti-cartel and dominance-related issues: 99 (number includes employees from UOKiK's central and branch offices)
- Advocacy efforts (**Executive Office**): **24**
- Other (market analysis): 15

**5. Summaries of or references to new reports and studies on competition policy issues****5.1 Market Studies**

25. Examining the condition of competition on the Polish market has two major objectives: to collect evidence for the investigations conducted by the competition authority and to review the concentration processes taking place in the economy to detect any possible infringements or the risk of their occurrence. The results of the largest and - from an economic standpoint - most important market analyses are presented to the public during debates organized by the Office and involve the participation of experts. In 2015, UOKiK conducted a total of **26** inquiries - **21** concerned the national market and **5** the local market.

*5.1.1 Selected market research carried out by UOKiK in 2015:*

- **UOKiK's investigation into textbook prices**

26. In May 2015 UOKiK concluded its investigation into whether publishers of elementary school textbooks in Poland had infringed competition law. The study aimed to verify whether the increase in prices of elementary school textbooks was the result of competition infringing practises.

27. In 2014 the government announced that as of September 2014 it would provide free of charge textbooks for first-grade students. In response, in July publishers raised the prices of elementary school textbooks and course books. UOKiK subsequently undertook an analysis of the pricing policies used by publishing houses that sell textbooks for students in grades I-III. In addition to a market study, UOKiK instituted preliminary proceedings to determine whether the publishers had resorted to abusive pricing practices. UOKiK established that between 2010 and 2014 textbook prices had indeed increased by 40%. However, this was more the result of forces unique to the textbook market than collusion on the part of publishers. The textbook market suffers from significant dysfunction due to the fact that price has little influence on choice. The compulsory educational curriculum forces parents and guardians to purchase textbooks while having negligible say in which ones are chosen — the choice is made by teachers and schools, for whom price is less important. While this compels publishers to compete in terms of quality, there remains ample room to raise prices considerably. Because prices have indeed grown, UOKiK issued a recommendation encouraging teachers and schoolmasters to rationalise purchases and negotiate bulk prices. School directors and school boards, where parents do have a voice, could play a key role here. Given the important social dimension of the textbook market, UOKiK will both continue to

keep an eye out for potential infringements of competition law and support the Ministry of National Education in promoting best practices in school purchases based on the principle of „the highest quality at a reasonable price”.

- **UOKiK completes analysis of retail pharmaceutical market**

28. In 2015 UOKiK completed its inquiry into the retail pharmaceutical market. The inquiry sought to review the pharmaceutical legislative framework and assess the functioning of competition mechanisms, as well as to compare the regulatory standards between other EU Member States. Within the course of the study, UOKiK solicited the contribution of more than 400 entrepreneurs active on the pharmaceutical market.

29. The results of the inquiry show that as of December 1<sup>st</sup> 2014, 14 352 pharmacies and pharmacy outposts operated in Poland. Furthermore, UOKiK established that since the beginning of 2014 the number of pharmacies, especially those run by pharmacy chains, has been increasing. It is a reversal of the trend from 2013 when following the entry into force of the reimbursement bill (which introduced among others fixed prices for reimbursed drugs, the obligation for pharmacies to sign a contract with the national health insurer provider and a ban on pharmacy advertising), the number of pharmacies had started to decrease.

30. In addition, the inquiry proved that large chains, which presently account for 30% of the market, have been opening new pharmacies, while individual undertakings had to close their businesses. This is mainly caused by tough price competition on over-the counter drugs, increasing costs of running a business and weaker negotiation power against pharmaceutical wholesalers. This has lead enterprises to pool together in buying groups, enabling them to secure better terms when purchasing products.

31. UOKiK’s inquiry further revealed that pharmacy operators compete with one another in small geographic areas. Most companies participating in the survey identified their competitors as those located in closest proximity, (in the same neighbourhood or even nearby street). That is why, UOKiK defined the market as local and limited to the area within one-kilometre radius of a given pharmacy. In terms of the legal regulations in the pharmacy sector, UOKiK’s analysis led to the conclusion that the Polish model regulating pharmaceutical business activity does not differ from the EU standards, which favours limited state intervention.

32. In its report UOKiK also addressed the pressing problem of export of medicines or the non-audited sale of pharmaceuticals to countries in which the same product is sold at a substantially higher price, the so-called parallel export. On 11 July 2015 entered into force the amendment of the pharmaceutical law to curb this problem. The amendment established the requirement of regular, daily reporting on inventories and product sales volumes, and also required companies to report their intention to ship medicine abroad.

## ***5.2. Information and educational activities***

### ***5.2.1 Relations with media***

33. Mass media play an extremely important role in conveying UOKiK’s message to the general public. Therefore the Office strives to be often present in the media and is involved in active cooperation with the journalists. The following numbers illustrate UOKiK’s efforts in that respect: 213 press releases published by the Office in 2015 (31 on antitrust issues, 109 on consumer protection, 40 on merger control); the decisions and verdicts of UOKiK were the subject of 12 072 press articles, 60 167 internet publications (including social media). Moreover, the Office’s activity was discussed in 5 416 radio and TV emissions.

### ***5.2.2 Conferences***

34. In 2015 UOKiK continued its practice to organize yearly conferences during which representatives of public administration, law-makers, lawyers-practitioners, academics, entrepreneurs, journalists can discuss the most current and important questions of competition law.

- **Celebrating 25 years of competition enforcement - I Congress of Competition Law in Poland**

35. To mark 25 years of competition law enforcement in Poland, on 13-15 April 2015 UOKiK co-hosted, with the Centre for Antitrust and Regulatory Studies, the first Polish Competition Law Congress. The aim of the event was to summarise the achievements in the field of competition law over the past 25 years, and to identify current and future challenges for antitrust legislation and competition enforcement in the years to come.

- **UOKiK's international seminar on vertical restraints**

36. On 13 October 2015, UOKiK hosted the international seminar on vertical restraints. The event inaugurated a two-day conference entitled “The Economics of Competition Protection”, co-hosted by UOKiK and the Centre for Antitrust and Regulatory Studies. The aim of the seminar was to take stock on how vertical agreements tend to be assessed in different countries and how leniency programmes are applied to them. The discussion also touched upon vertical agreements in the e-commerce sector, including possible infringements of competition law by internet platforms. UOKiK organized this discussion to collect the views of various stakeholders on vertical restraints with the intention to issue a policy paper on the subject in the course of 2016. The speakers of the seminar included Prof. William Kovacic from the George Washington University, Prof. Ioannis Lianos, Director of Centre for Law, Economics and Society at University College in London, Guillaume Lorient, senior DG Comp officials, Chris Fonteijn, Chairman of the Board at the Netherlands Authority for Consumers and Markets, Sarunas Keserauskas, Chairman of the Lithuanian Competition Council, Prof. Dr. Carsten Becker, Head of Unit at the Bundeskartellamt and Craig Conrath, Trial Attorney at U.S. Department of Justice’s Antitrust Division. Prof. Anna Fornalczyk, former President of the Polish competition authority and José Rivas, Partner at Bird&Bird also presented their views on the issue. The seminar attracted huge attendance of competition law practitioners.

- **Workshop with judges**

37. In November and December 2015, on UOKiK’s initiative the Centre for Antitrust and Regulatory Studies organised workshops which gathered judges applying competition law and representatives of the Polish Competition Authority. The topic was the notion of a single economic unit. The Polish judicial community voiced its interests in having more training of this kind organised by academia. That is why in 2016 more events touching upon among other things, the question of fines, are scheduled.

### *5.2.3 UOKiK receives honourable mention in ICN competition advocacy contest*

38. For publishing and promoting in 2014 a guidebook for cemetery administrators and funeral services companies on complying with competition law, UOKiK has received honourable mention for the best competition law advocacy project in a competition organised by the International Competition Network (ICN) and the World Bank.

39. The guidebook contains a description of the cemetery and funeral services market, examples of prohibited practices under the jurisprudence of the courts and UOKiK’s decisions, as well as advice on how to follow the law. The document was provided to municipalities and parishes to help cemetery administrators. UOKiK keeps a close eye on the funeral services market, and the publication was accompanied by a call for administrators to refrain from competition restricting practices. For the most part, the entities operating on the market have voluntarily changed their practices. In naming UOKiK, the contest organisers said that the Authority’s overall programme has allowed consumers access to cheaper services offered by a larger number of competing companies.