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COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in the Slovak Republic

-- 2020 --

The report is submitted by the Slovak Republic to the Competition Committee FOR INFORMATION.

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Table of contents

1. Executive Summary	3
1.1. Overview of decision-making activities	3
2. Enforcement of competition laws and policies	6
2.1 Action against anticompetitive practices	6
2.2. Mergers and Acquisitions	15
3. Role of competition authorities in the formulation and the implementation of other policies	19
3.1. Inter-ministerial comment procedures	19
3.2. Act on protection of competition	20
3.3. International co-operation	21
3.4. Public relations and raising competition awareness	21
4. Resources of competition authority	23
4.1. Resources overall	23
4.2. Human resources	24
4.3. Period covered by the above information	24

Tables

Table 1. Overview of the number of decisions issued in 2020	4
Table 2. Overview of the Office's activities in the field of cartel agreements in 2020	6
Table 3. Overview of the Office's activities in the field of vertical agreements in 2020	7
Table 4. Overview of the Office's activities in the field of abuses of dominant position in 2020	8
Table 5. Overview of the Office's activities in the field of anticompetitive measures of state and local administration authorities in 2020	8
Table 6. Overview of decisions issued within the second-instance proceedings in 2020	9
Table 7. Overview of the Office's activities in the field of merger control in 2020	16
Table 8. Annual Budget	23
Table 9. Number of employees	24
Table 10. Table 10. Human resources	24

1. Executive Summary

1. The Antimonopoly Office of the Slovak Republic (hereafter also “the Office“, “the Antimonopoly Office of the SR“, “AMO SR“) is an independent central state administration body of the Slovak Republic for the protection of competition and state aid coordination.
2. The Office intervenes in the cases of cartels, the abuse of a dominant position, vertical agreements, it controls mergers, which meet notification criteria and it assesses the conduct of state and local administration authorities if they restrict competition. It ensures the protection of competition in the area of state aid as well.
3. The Office’s competences are laid down by law. In 2020, the 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 Organisation of Ministries and Other Central Bodies of State Administration of the Slovak Republic as amended as amended (hereafter also “the Act on Protection of Competition“, “the Act No. 136/2001 Coll.“, “the Act“) was in force¹.
4. Besides Slovak competition law, the Antimonopoly Office of the Slovak Republic applies also European competition law. At the same time, within the European Competition Network (ECN) it fulfils tasks resulting from the membership of the SR in the European Union.
5. In accordance with the Act No. 358/2015 Coll. on Adjustment of Certain Relations in State Aid and De Minimis Aid and on the Amendment and Supplements to Certain Acts (hereafter also “the Act on State Aid“) the Office as a state aid coordinator fulfils selected tasks during the protection of competition also in the area of state aid.

1.1. Overview of decision-making activities

6. In 2020, the Antimonopoly Office of the SR issued a total of 25 decisions in the matter of infringement of competition rules and in the field of a merger control.
7. Out of this number of decisions, the Office issued 22 decisions within the first-instance proceedings. These decisions were issued by the Division of Concentrations (17 decisions), the Division of Cartels (2 decisions) and the Division of Abuse of Dominant Position and Vertical Agreements (3 decisions).
8. The second-instance body, which is the Council of the Antimonopoly Office of the SR (hereafter also “the Council of the Office“), issued 3 decisions within the review of the Office's decisions issued in the first-instance proceedings.
9. The following table documents the overview of number of decisions, which the Office issued in the areas of its competence in 2020:

¹ This report depicts the Office’s activity in the area of its competence in protecting competition pursuant to the Act No. 136/2001 Coll., as it was in force during the period from 27 December 2016 till 31 May 2021, i. e. during the whole year 2020

Table 1. Overview of the number of decisions issued in 2020

	Mergers	Abuse of Dominant Position	Agreements Restricting Competition	Restriction of Competition by State and Local Administration Authorities	Imposition of a Fine for Non-co-operation with the Office	Total
First-instance	17	2	2	0	1	22
Second-instance	0	0	1	1	1	3
Total	17	2	3	1	2	25

10. Of the total number of decisions issued in 2020, in 7 decisions the Office or the Council of the Office imposed a fine on undertakings for the infringement of provisions of the Act on Protection of Competition in various fields of the Slovak economy. In these decisions, last year the first-instance or the second-instance body sanctioned totally 24 undertakings.

11. The valid fines imposed last year amounted to a total of EUR 8 139 306,80.

12. In terms of the forms of anti-competitive practices, for which the Office or the Council of the Office imposed a fine, 3 decisions concerned cartel agreements. One of the cartel agreements was concluded by 3 suppliers of machines and mechanical and technological equipment (AGROSERVIS, spol. s r. o., ISA projekta, s. r. o., and Alžbeta Tóthová) for enterprises of agricultural primary production. On another cartel agreement, both the Office and the Council of the Office again decided in 2020. It concerned 18 undertakings operating in the field of selling new passenger and light commercial vehicles under the brand name Volkswagen in Slovakia (Porsche Slovakia, spol. s r.o., Porsche Inter Auto Slovakia, spol. s r.o., ARAVER, a.s., Auto Gábrriel, s.r.o. Košice, Auto Unicom Zvolen, s.r.o., Auto Unicom, s.r.o., AUTOCENTRUM BYSTRANSKY, spol. s r.o., AUTOCOMODEX TRNAVA, spol. s r.o., AUTOMAX PLUS, s.r.o., AUTONOVO, a.s., Autoprofit, s.r.o., BOAT, a.s., DOVE, s.r.o., DS - CAR, s.r.o., GALIMEX, s.r.o., HÍLEK a spol., a.s., PO CAR, s.r.o., Š - AUTOSERVIS Vranov, s.r.o.). In this case, both the Office and the Council of the Office granted on 2 of the undertakings mentioned a full immunity from the imposition of a fine, after fulfilling conditions for participation in a leniency programme.

13. Also in 2020, by 1 decision the Office sanctioned a failure to notify the merger of undertakings and the premature implementation of rights and obligations arising from it, specifically it concerned 2 undertakings (GRAFLOBAL GROUP development, a. s., and Bratislavská vodárenská spoločnosť, a. s.).

14. The Council of the Office also decided on the infringement of the Act on Protection of Competition, which was committed by a local administration authority (the city of Šurany) by creating a barrier to the entry of undertaking Dr. Max in the market in the field of providing pharmaceutical care in public pharmacies in the territory of city of Šurany. The city thus not only favoured certain undertakings, but it also restricted competition in that field. In the decision in question, the Council of the Office agreed with the Office's first-instance decision, with the exception of amount of fine imposed, and thus it confirmed the conclusions that the party to the proceeding had restricted competition.

15. Beside these, another 2 separate cases concerned the non-co-operation of undertakings with the Office. Therefore, the Office imposed a fine on 1 undertaking (Slovenská pošta, a.s.) for breaching an obligation to submit required documentation and information to the Office within a stipulated time-period, resp. to submit complete and true documentation and information and the Council of the Office imposed a fine on another 1

undertaking (TESCO STORES SR, a.s.) for breaching an obligation to cooperate with the Office during verifying documentation and information requested.

16. The Office imposed the highest fine for the above-mentioned cartel agreement maintained by 18 undertakings during several years in selling Volkswagen motor vehicles in Slovakia. In this case, it was decided in 2020 again by the Office, in the framework of the first-instance proceeding, and by an appellate body, the Council of the Office, in the framework of the second-instance proceeding. The total amount of fines finally imposed by the Council of the Office in the decision that came into force amounted to more than EUR 6,7 mil. In addition to the imposition of fines, the Council of the Office imposed on 1 party to the proceeding a ban on participation in public procurements for a period of 3 years from the final decision in this matter coming into force. At the same time, the Council of the Office granted a full immunity from the imposition of a fine on 2 undertakings, after they had fulfilled conditions set out by a leniency programme and had become the first to provide the Office with significant information on the existence of an anticompetitive agreement. It also reduced the fines imposed on another 2 participants in the cartel agreement, either on the basis of submitting further evidence of anticompetitive conduct in their applications for the participation in a leniency programme or also based on the party's admission of an infringement during settlement negotiations.

17. Also in that year, the number of the Office's decisions issued in the field of merger control prevailed. In 14 cases the Office, after assessing notified mergers, issued its consent with their realisation, in 2 cases the Office stopped an administrative proceeding, because in the course of the administrative proceeding for assessing a merger the information that had been received had shown that the merger had been ceased in the meantime, in 1 of the above-mentioned decisions the Office imposed a fine on 2 undertakings. It imposed the fines for an offense related to a merger, which, regarding the fulfilling of statutory turnover criteria, should had been notified to the Office for an assessment before the undertakings had begun exercising their rights and obligations arising from it.

18. In connection with the possible abuse of dominant position, in 2020 the Office issued 2 decisions on an interim measure against an undertaking (CHEMES, a.s. Humenné). The aim of the Office's preliminary measure was to ensure the supply of energy and media in an industrial park.

19. Last year, the Antimonopoly Office of the SR also dealt with more than 120 complaints about possible anticompetitive behaviour in various sectors of economy. Many complaints came from natural or legal persons, also from state administration authorities of the SR, associations of undertakings or other institutions in the SR. In connection with the complaints received, in general the Office at first assessed, whether it had competence to act in the matter specified in the complaints received and whether there was a competition concern. Subsequently, after examining the complaints received, several of them became a subject of a more detailed investigation or even it initiated an administrative proceeding. In almost 100 cases, the Office conducted an investigation and in more than 10 cases, it conducted an administrative proceeding concerning the matter of a possible infringement of competition rules.

2. Enforcement of competition laws and policies

2.1 Action against anticompetitive practices

2.1.1. Summary of activities of competition authority and courts

20. The agreements or the concerted procedure of undertakings, as well as the decision of associations of undertakings, which restrict competition or prevent it, are prohibited.

21. Such anticompetitive agreements include both horizontal agreements concluded between undertakings, who are direct competitors on the same level of a production or a distribution chain, and vertical agreements concluded between undertakings, who operate at a different level of a production or a distribution chain.

Cartel agreements

22. Also during the year 2020, the Office was revealing illegal cartel agreements. The Division of Cartels of the Antimonopoly Office of the SR received 75 complaints and conducted 75 general investigations concerning possible agreements restricting competition. At the same time, the Division of Cartels conducted 7 administrative proceedings and carried out 1 inspection.

23. In the matter of agreements restricting competition, the Division of Cartels issued 2 decisions last year. By both decisions it imposed fines totalling EUR 8 901 848 on a total of 19 undertakings and granted on 2 undertakings a full immunity from the imposition of fines in accordance with the leniency programme. At the same time, in the case of 2 of the undertakings, whom it imposed a fine on, the Office also imposed a ban on participation in public procurement for a period of 3 years from the final decision coming into force. For 3 of the undertakings, the Office based on the leniency programme and a settlement institute reduced the fines that it would otherwise have imposed on them on. The decision issued in the matter of a cartel agreement in supplying machines and mechanical and technological equipment entered into force last year. On the decision on the cartel agreement in the sale of motor vehicles on the basis of appeals filed by the participants against the issued decision of the Division of Cartels, the second-instance body of the Antimonopoly Office of the SR decided by issuing its valid decision also last year.

Table 2. Overview of the Office's activities in the field of cartel agreements in 2020

Total sum of	Decisions issued	Administrative proceedings conducted	General investigations conducted	Complaints received
	2	7	75	75

24. In the course of recent years, the Office has been receiving the increased numbers of complaints concerning possible illegal cartel agreements. At the same time, many of them come from the state administration bodies of the SR in connection with controlling public procurements financed from the European Structural and Investment Funds. For this reason, last year the Office continued in its intensive co-operation with the state administration bodies of the SR in the field of controlling PP, too.

25. The issuance of updated version of the Methodological Instruction of CCA No. 35 contributed to the more effective co-operation between the Office, the Central Coordinating Authority and managing authorities within the control of PP financed from the ESIF. The methodological guideline regulated in particular the co-operation between

the above-mentioned bodies in identifying risk indicators and indications indicating the possible breaches of competition rules in the PP process.

26. In connection with the enforcement of competition protection rules and the effort to prevent cartel agreements and anticompetitive practices appearing in PP, the Office also cooperated with the state administration bodies of the SR in the form of leading regular training activities. During the schooling activities, the Office's representatives, in addition to clarifying the negative consequences of anticompetitive behaviour on consumers and the whole economy, also pointed to several decisions of the Office concerning cartels of undertakings involved in the PP process financed from public resources. They also explained how the Office assesses the participation of associations of undertakings - consortia in such PP or, with the help of practical examples, they presented the indications of anticompetitive coordination of applicants in PP. Finally, they drew the attention of the participants in the schooling activities to the possibilities of co-operation with the Office in detecting cartel agreements.

Vertical agreements

27. In the matter of vertical agreements, the Division of Abuse of Dominant Position and Vertical Agreements of the Antimonopoly Office of the SR in 2020 received 6 complaints, conducted 3 general investigations and 1 administrative proceeding.

Table 3. Overview of the Office's activities in the field of vertical agreements in 2020

Total sum of	Decisions issued	Administrative proceedings conducted	General investigations conducted	Complaints received
	0	1	3	6

28. Over the past few years, the Office registered a relatively stable number of complaints, investigations and administrative proceedings in the field of vertical agreements. In this field, in 2020 the Office assessed approximately similar number of complaints as during previous period, yet it conducted a smaller number of administrative proceedings than during the previous period.

Abuses of dominant position

29. In the field of abuse of dominant position, in 2020 the Division of Abuse of Dominant Position and Vertical Agreement of the Antimonopoly Office of the SR registered 33 new complaints, conducted 7 more detailed investigations and led 3 administrative proceedings.

30. At the same time, in the course of an administrative proceeding in the matter of possible abuse of dominant position by an undertaking in the field of production and distribution of energy and media it issued 2 decisions related to a preliminary measure. Both decision came into force last year.

Table 4. Overview of the Office's activities in the field of abuses of dominant position in 2020

Total sum of	Decisions issued	Administrative proceedings conducted	General investigations conducted	Complaints received
	2	3	7	33

32. In 2020, in comparison with the year 2019, the number of complaints in the field of abuse of dominant position slightly decreased. This is a common phenomenon, the number of complaints in this field may vary significantly each year. Likewise, the number of investigations in this field decreased. In the field concerned, in spite of the lower number of complaints and investigations, right in 2020, compared to a few recent years, the Office conducted the highest number of administrative proceedings.

Anticompetitive measures of state and local administration authorities

33. In relation to this form of unlawful restriction of competition, last year the Division of Cartels of the Antimonopoly Office of the SR dealt with 12 complaints, while last year it received 9 of them and in previous years it received the rest of them.

34. Based on the complaints, the Division of Cartels conducted 9 more detailed investigations.

35. In the matter of this form of the infringement of the Act on Protection of Competition, last year the second-instance body of the Antimonopoly Office of the SR issued 1 decision.

36. The given decision was issued by the Office's second-instance body after the review of the Office's first-instance decision, No. 2019/OHS/POK/1/32 of 2 October 2019, as a party to the proceeding lodged an appeal against the decision. The second-instance decision came into force in 2020. In the decision, the second-instance body imposed a fine in the amount of EUR 10 000 on the city of Šurany.

Table 5. Overview of the Office's activities in the field of anticompetitive measures of state and local administration authorities in 2020

Total sum of	Decisions issued	Administrative proceedings conducted	General investigations conducted	Complaints received
	0	0	9	9

37. The sum of complaints concerning the unlawful restriction of competition by state and local administration authorities was received in 2020 by the Office's Division of Cartels. This number represents a slight decrease compared to a previous year.

Second-instance proceedings

38. The Council of the Antimonopoly Office of the Slovak Republic, which is the Office's second-instance body, conducts second-instance administrative proceedings. The Council of the Office, within its proceeding, decides on an appeal against the Office's first-instance decision, which could be lodged by participants to the proceeding within a time limit stipulated by law.

39. The Council of the Office reviews the procedure of the first-instance body, deals with objections raised by participants to proceedings and completes evidence if necessary.

40. The Council of the Office may uphold, change, annul the first-instance decision, return the matter to the first-instance body for a further proceeding or stop the proceeding.

41. The Council of the Office's decisions come into force when they are delivered to participants to the proceeding.

42. In 2020, the Council of the Office issued 3 decisions.

43. These decisions concerned the unlawful restriction of competition in the field of providing pharmaceutical care in the territory of the city Šurany, cartel agreement between 18 undertakings in selling new motor vehicles of the brandname Volkswagen and the breach of obligation set by the Act to cooperate with the Office's employees during an inspection carried out at the premises of the undertaking TESCO STORES SR, a.s., in 2014.

44. In each of the decisions issued the Council of the Office imposed fines on undertakings and the fines totally amounted to EUR 7 562 521,80. The decisions concerned the fields of the Office's activity as follows:

Table 6. Overview of decisions issued within the second-instance proceedings in 2020

Total sum of	Decisions issued on agreements restricting competition	Decisions issued on the imposition of fines for non-co-operation	Decisions issued on the restriction of competition by state and local administration authorities
	1	1	1

45. As the proceedings conducted by the Council of the Office in cases set by law follow the first-instance decisions issued, the development of number of cases dealt with and decisions issued correspond to the first-instance decision-making activity.

Judicial review of the Office's decisions

46. Decisions of the Council of the Antimonopoly Office of the SR in connection with the Office's first-instance decisions may become a subject to a judicial review.

47. According to the Code of Administrative Court Procedure a party to an administrative proceeding may sue against the decision of the Council of the Office at the Regional Court in Bratislava (hereafter "RC BA") and file a cassation complaint against the RC BA's judgment to the Supreme Court of the Slovak Republic (hereafter "SC SR").

48. Within the framework of decisions review, a total of 7 court decisions were issued in 2020. Out of them, RC BA decided in 2 cases and SC SR decided in 5 cases.

49. SC SR in 2 cases upheld the Office's decision, in 2 cases it annulled the RC BA's judgement, by which RC BA dismissed the action and returned the case to RC BA for a further proceeding and in 1 case it dismissed a cassation complaint filed by the Office against the RC BA's judgement, by which RC BA annulled the statements part in the Office's decision and in the annulled part it returned the case to the Office for a further proceeding.

50. RC BA in 1 case again, after returning the case to SC SR, dismissed the plaintiff's action and in another 1 case it annulled the Office's decision and returned the case to it for a further proceeding, the Office filed a cassation complaint against this decision at SC SR.

2.1.2. Description of significant cases

Imposition of fines on three undertakings for a cartel agreement in the area of supplies of machines and mechanical and technical equipment

51. On 18 November 2020 the Antimonopoly Office of the Slovak Republic, the Division of Cartels, issued a decision, by which it imposed fines on the undertakings AGROSERVIS, spol. s r. o., ISA projekta, s. r. o., and Alžbeta Tóthová in the total amount of EUR 431 095 for concluding a cartel agreement, which constitutes the infringement of provision of Article 4 Paragraph 1 in connection with the provision of Article 4 Paragraph 4 Letter a), c) and f) of the Act on Protection of Competition. On the undertaking ISA projekta, s. r. o., the Office also imposed a ban on participation in a public procurement for a period of three years after the final decision comes into force.

52. The subject-matter of this cartel agreement was the coordination of procedure of undertakings operating in the area of realization of supplies of machines and mechanical and technological equipment for the enterprises of primary agricultural production, namely as participants in submitting bids in five public procurements announced in June 2014 and also as an undertaking authorized by public contracting authorities to carry out the process of preparation and realization of public procurements in question directly. The coordination of these undertakings was based on the process of preparation and realization of public procurements, the procedure for the preparation and submission of bids with the aim to enable the victory of a pre-determined participant.

53. In the proceedings in question, the Office, at the request of one of participants to the proceedings, the undertaking AROSERVIS, spol. s r. o., proceeded to apply the leniency programme and to use the institute of settlement and, on that basis, it reduced its fine.

54. The Office stopped the proceedings against one of participants to the proceedings, as it came to the conclusion that the assessment of its conduct does not fall under the Office's competence.

55. The Office's decision came into force on 15 December 2020.

A preliminary measure issued in an administrative proceeding in the matter of possible abuse of dominant position in energies and media production and distribution

56. On 12 May 2020 the Division of Abuse of Dominant Position and Vertical Agreements of the Antimonopoly Office of the SR issued a preliminary measure in an administrative proceeding, which it had initiated, on its own initiative, on 21 April 2020 in the matter of possible abuse of dominant position and which concerns the company CHEMES, a.s. Humenné.

57. The Office was conducting the concerned administrative proceedings in the matter of possible abuse of dominant position according to the provisions of the Article 8 Paragraph 2 Letter a) of the Act on Protection of Competition and the Article 102 Letter a) of the Treaty on the Functioning of the European Union. According to the provision of the Act, the abuse of a dominant position in relevant market is direct or indirect enforcement of excessive prices or other unfair trading conditions.

58. Based on the investigation carried out, the Office acquired information and documentation giving rise to a reasonable suspicion that the Act might have been infringed. The Office also stated that the infringement of the Act might have consisted in the conduct of the undertaking Chemes, a.s. Humenné, who, in an industrial park, have applied such

trading conditions for his energy and media customers, due to which these customers had to take all the energy and media from the undertaking who produces them, and at the same time, they were denied to produce certain energy or media on their own or to take them from third parties.

59. During the administrative proceeding the Office, based on the Article 43 Paragraph 1 Letter a) of Act No. 71/1967 Coll. on administrative proceedings, as amended, issued the preliminary measure, as in the given industrial park there had come to the interruption of energies and media supplies to one of entities.

60. The aim of the preliminary measure was to secure the supplies of energies and media and also to prevent the entity concerned from being eventually forced to leave the market as a result of the conduct of the energies and media supplier. At the same time, the aim was also to prevent irreversible changes that could occur before the Office assesses the adequacy of the trading conditions within the concerned administrative proceedings.

61. According to the Act on Protection of Competition, for the infringement of prohibition to abuse dominant position or for non-compliance with the Office's decision, a fine may be imposed on the undertaking. Any possible appeal against this Office's decision on the preliminary measure has no suspensive effect and is therefore enforceable on the day of its delivery to the addressee in accordance with the relevant provisions of the Administrative Procedure Code.

62. Subsequently, based on the information received on the continuation of energies and media supplies to the company concerned and on the conclusion of an agreement on the conditions for further energies and media supplies, the Office came to the conclusion that the reason, for which it had ordered the preliminary measure, had lapsed. With regard to the facts above, on 25 May 2020 the Office, based on the Article 43 Paragraph 2 of the Act on Administrative Procedure (Administrative Procedure Code), annulled the preliminary measure imposed in the given case.

63. To add, in this case, the administrative proceedings in the concerned matter continued, both during 2020 and also 2021.

Reduction of almost 8,5 mil. fine imposed for a cartel agreement in the sale of Volkswagen motor vehicles

64. Council of the Antimonopoly Office of the Slovak Republic by the decision No. 2020/DOH/POK/R/15 of 15 May 2020 changed the first-instance decision of the Antimonopoly Office of the Slovak Republic, the Division of Cartels, No. 2020/DOH/POK/1/2 of 3 February 2020 in the part concerning the imposed fine.

65. It imposed fines totalling EUR 6 729 537,80 on the participants to the proceedings. Following the successful application of the leniency programme, the Council of the Office did not impose a fine on two participants to the proceedings and it reduced fines on the other two. For the settlement process of one participant, the Council of the Office also reduced the fine based on this factor as well. On one participant to the proceedings, the Council of the Office imposed a ban on the participation in public procurement for a period of three years after a final decision comes into force.

66. In the part of finding of facts and legal assessment, the Council of the Office upheld the Office's first-instance decision, in which it proved a cartel agreement between 18 undertakings. The aim of their cartel agreement was to restrict competition in the market of sale of new Volkswagen passenger and commercial motor vehicles in the territory of the Slovak Republic.

67. The participating sellers agreed on the amount of maximum discounts provided for individual types of Volkswagen vehicles and divided the territory of the Slovak Republic according to the regions, in which they have their premises. Based on the agreement, they should provide customers from another region with a discount 1 % lower than a seller in their region would offer them. The aim was also to eliminate competition between sellers, as well as to maintain a certain range of customers and also the level of prices. The subject-matter of division of customers was a rule that, if sellers knew that a customer already "had belonged" to another seller, i. e. that the customer had already previously bought vehicles from another seller within Volkswagen sales network, they provided the customer with an offer that was less advantageous in order to motivate the customer to buy a vehicle from "his/her" seller, respectively the customer was directly instructed to buy the car from a particular seller.

68. The participants to the agreement also divided customers who purchased vehicles through public procurements, public tenders or other similar competitions. In this connection, they were to coordinate their participation and the procedure for submitting bids in the public procurement process, in public tenders or in similar competitions concerning the sale of Volkswagen passenger and light commercial vehicles in the territory of the Slovak Republic. For the purposes of implementing the agreement, the participants exchanged sensitive business information. In relation to selected participants in the agreement, the Office also proved the implementation of this part of the practice, for which, after taking into account the relevant provisions of the Article 38h of the Act on Protection of Competition, on one of them, the above-mentioned ban on participation in public procurement for a period of three years was imposed.

69. The conduct assessed was prohibited by the provisions of the Act on Protection of Competition (the Article 4 Paragraph 1 in connection with the Article 4 Paragraph 3 Letter a) and Article 4 Paragraph 4 Letter a), c), and f) of the Act on Protection of Competition in a wording effective till 17 April 2016) and the Treaty on the Functioning of the European Union (the Article 101 Paragraph 1 letter a) and c) of the Treaty on the Functioning of the European Union). The cartel, which was proved and which lasted for several years, with the aim to restrict competition, by its type belongs to the most serious infringements of the competition rules.

70. The Council of the Office's decision came into force on 1 June 2020. The parties to the proceedings could seek a judicial review of the decision.

Reduction of sanction for the unlawful restriction of competition in the field of providing pharmaceutical care in Surany

71. On 15 May 2020 the Council of the Antimonopoly Office of the Slovak Republic issued a decision No. 2020/OHS/POK/R/14 in the matter of the infringement of the provision of the Article 39 of the Act on Protection of Competition. With the exception of fine imposed, the Council of the Office agreed with the first-instance decision of the Antimonopoly Office of the Slovak Republic, the Division of Cartels, of 2 October 2019.

72. In the first-instance decision, the Office's first-instance body came to the conclusion that the municipality Surany, by issuing a binding opinion on the provision of pharmaceutical care in a public pharmacy, had created a barrier to the entry of the undertaking Dr. Max to the market in the area of providing pharmaceutical care in public pharmacies in the territory of the municipality Surany. By this conduct, the municipality both favoured undertakings currently operating on the market in the area of providing pharmaceutical care in public pharmacies in the territory of the municipality Surany and restricted competition.

73. At the same time, the Council of the Office came to the conclusion that in the case of subsequent conduct of Nitra self-governing region, which consisted of the rejection of an application of the undertaking Dr. Max for the issuance of a permission for the provision of pharmaceutical care in a public pharmacy in the territory of the municipality Surany, as well as the conduct of the Ministry of Health of the Slovak Republic, which consisted of the rejection of an appeal of the undertaking Dr. Max against the decision of Nitra self-governing region, it was not possible to state that there had been an attempt to create a barrier to the entry of the undertaking Dr. Max to the market. Likewise, their conduct did not constitute favouring a particular public pharmacy nor an attempt to restrict competition. For this reason, it was not possible to conclude that by the conduct of Nitra self-governing region or the Ministry of Health of the Slovak Republic there had come to the infringement of the Article 39 of the Act on Protection of Competition.

74. The Council of the Office, after taking all factors into account, reduced the sanction imposed on the municipality Surany by the first-instance body to EUR 10 000. According to the Council of the Office, the fine thus imposed is legal and proportionate, it fulfils a repressive function (punishing the municipality for its conduct that is contrary to the Act on Protection of Competition), as well as a general prevention function (sufficiently deterrent effect also on other municipalities, higher territorial units and local governments).

75. The Council of the Office's decision came into force on 1 June 2020. Against the given decision, the participant could sue an appeal to a court.

The Office's decision on a cartel agreement related to reconstructing a facility for seniors upheld by SC SR

76. In 2020, SC SR dismissed the cassation complaint of the undertaking Vertikal - Solid, s. r. o., which the undertaking filed against RC BA's judgement. By this judgement, RC BA dismissed the administrative action filed by the undertaking against the decision of the Council of the Office, No. 2015/KH/R/2/004 of 12 February 2015, in connection with the decision of the Office, the Division of Cartels, No. 2014/KH/1/1/021 of 28 July 2014. By the decisions in question, a fine in the amount of EUR 43 657 was imposed on the undertaking for an agreement restricting competition, which was grounded in the coordination of procedure of undertakings with the aim to align prize bids in relation to a public procurement announced by the public procurator Juraj Schopper's Facility for Seniors, n. o. The final value of the contract was more than EUR 2 million.

77. The Office demonstrated the coordination of participants to cartel agreement mainly based on evidence, such as the method of setting prices, identical irregularities and shortcomings in prize bids, incorrect recalculations, as well as based on the so-called leniency application of one of the parties to the proceeding.

78. The Office reduced a fine imposed on a party to the proceeding who used the so-called leniency programme. The other two participants to the proceeding used the settlement institute and admitted their participation in the cartel agreement and, on that basis, the fines imposed on them were pursuant to the Article 38 Paragraph 1 in conjunction with the Article 38e of the Act on Protection of Competition also reduced.

79. So, SC SR by its decision upheld the Office's decisions in this matter also against the undertaking Vertikal - Solid, s. r. o.

The Office's decision on a cartel agreement related to reconstructing a pension upheld by SC SR

80. In 2020 SC SR decided also on the cassation complaint of the above-mentioned undertakings. By its resolution it dismissed the cassation complaint of the undertaking TERCIA, spol. s. r. o., and subsequently it dismissed also the cassation complaints of the undertakings VUMAT SK, s. r. o., and B.C.D., spol. s. r. o., against RC BA's judgement, file sign 5S/133/2016, 6S/147/2016 and 6S/173/2016, dated 23 May 2017.

81. RC BA, by its judgement, dismissed the administrative action filed by the undertakings against the decision of the Council of the Antimonopoly Office of the SR, No. 2016/KH/R/2/028 of 9 June 2016, in connection with the first-instance decision of the Antimonopoly Office of the SR, the Division of Cartels, No. 2015/KH/1/1/015 dated 25 May 2015.

82. By the decision concerned, the Office imposed a fine on three undertakings for concluding a cartel agreement, the aim of which was to restrict competition on the market of construction and reconstruction works, including the supply of equipment in the territory of the SR. The total amount of the fines amounted to EUR 257 079. The fine was imposed on the undertaking for the conduct grounded in exchanging information and coordinating their procedures. Their intention was to align prize bids and the participation in connection with the public tender with the subject of the contract "Reconstruction of the ENERGETIK pension" in the estimated value of EUR 1 005 962,53, without VAT, so that the order of bidders and winner were known in advance and subsequently by submitting aligned bids they realised their intention also in practice. Such a conduct is prohibited under the Act on Protection of Competition.

Judgements of SC SR and RC BA issued in the matter of a cartel agreement related to supplying measuring instruments

83. SC SR by its judgement, file no. 5Asan/19/2018 of 27 February 2020, annulled the judgment of RC BA and referred the matter back to it for a further proceeding for a failure to state reasons for RC BA's conclusion sufficiently.

84. In accordance with the conclusion of the SC SR's judgement, RC BA again dealt with the matter and dismissed the action of the company MICRONIX, spol. s. r. o., against the given decision of the Council of the Antimonopoly Office of the SR, No. 2015/KH/R/2/005 of 12 February 2015, in connection with the first-instance decision of the Office, the Division of Cartels, No. 2014/KH/1/1/23 of 7 August 2014, thus upholding the Office's decision in this matter.

85. In the judgment, RC BA commented, inter alia, on the standard of proof proving the coordination of procedures of the undertakings in anti-competitive proceedings. RC BA stated that it was sufficient if the proof contained in the administrative file provided a clear conclusion that it had been a parallel conduct, for which there was no other acceptable explanation. The company MICRONIX, spol. s. r. o., filed a cassation appeal against this RC BA's judgement.

86. In the given decisions, the Office assessed the conduct of the company MICRONIX, spol. s. r. o., grounded in the fact that the company MICRONIX, spol. s. r. o., together with other participants to the administrative proceeding, through the exchange of information and contacts, coordinated their procedure with the intention of align price bids in the public procurement process of the public contracting authority the Secondary Technical Aviation School, Trenčín. The contract in the public procurement was "Supply of measuring instruments". The call for submitting a bid and a participation in the public

procurement was published on 30 March 2011. The undertakings concerned subsequently implemented their intention by submitting concerted bids. This procedure was assessed as an agreement restricting competition, grounded in the direct or indirect fixing of prices of goods, a market allocation agreement and the coordination of conduct in the public procurement process aimed at restricting competition in the relevant market for the supply of measuring instruments in the territory of the Slovak Republic and which is forbidden under the Act on Protection of Competition. For this conduct, the company MICRONIX, spol. s. r. o., was fined in the amount of EUR 62 139.

2.2. Mergers and Acquisitions

2.2.1. Statistics

87. In the field of merger control the Office's Division of Concentrations conducted 5 investigations altogether, while 4 of them were initiated and terminated in 2020 and 1 investigation, which was initiated in a previous period, is ongoing also in 2021.

88. The Division of Concentrations conducted 23 administrative proceedings altogether. This is the total number of administrative proceedings. Out of this total number, the Office initiated 16 administrative proceedings in 2020 and it initiated 7 administrative proceedings in previous years. At the same time, out of the given total number of administrative proceedings, the Office terminated 18 administrative proceedings in 2020 and the conduction of 5 administrative proceedings has been ongoing in 2021.

89. The Division of Concentrations deals also with revealing possible delicts in a direct relation to a merger control. This is particularly a failure to notify a merger to the Office and the breach of prohibition to perform rights and obligations arising from the merger without its previous valid approval by the Office. In this connection, in 2020 the Division of Concentrations of the Antimonopoly Office of the SR, out of the given total number of investigations and administrative proceedings, in 1 case it continued in a general investigation and in another 1 case it continued conducting an administrative proceeding, which was initiated in 2019, and in this case it also issued a decision on the imposition of a fine in 2020.

90. In 2020, in the field of merger control, the Division of Concentrations issued totally 17 decisions, while 16 of them came into force in the same year and 1 of the decisions came into force in the following year.

91. Out of the given number of decisions, in 14 decisions the Office approved a merger. In 1 of the decisions the Office stopped an administrative proceeding, as in the course of the administrative proceeding to assess a merger, which was notified to the Office with a delay and the exercise of the rights and obligations arising from it was prematurely exercised, the merger's notifiers submitted information showing out that the merger had ceased in the meantime. In another 1 decision the Office stopped an administrative proceeding in the matter of assessing merger due to the fact that the joint venture notified to the Office did not permanently perform all the functions of an independent economic entity according to the Act on Protection of Competition, thus it was not a fully functioning joint venture nor a merger according to competition rules.

92. At the same time, in 1 valid decision issued in relation to a delict grounded in the failure to notify a merger and the pre-mature implementation of rights and obligations arising from it, the Office imposed a fine on 2 undertakings, the total amount of fines amounted EUR 28 000.

93. Within pre-notification contacts the Office dealt with almost 43 cases, 4 of them came from a previous year. Several of them were subsequently notified, in several cases

there was not identified the need to notify a merger, namely due to the fact that in the given case the transaction either did not fulfil the definition of a merger or the turnover of merging parties were lower than thresholds set by law.

Table 7. Overview of the Office’s activities in the field of merger control in 2020

Total sum of	Decisions issued on the imposition of fines	Decisions issued on stopping a proceeding	Decisions approving a merger	General investigations conducted	Administrative proceedings conducted
	1	2	14	5	23

94. Over the recent period the Office annually conducts a similar number of administrative proceedings and investigations. Likewise, the Office’s increased activity towards sanctioning the failures to notify mergers and their implementation without the Office’s approval has also been evident, and that in the form of issuing a decision on the basis of investigations carried out by the Office. Last year the Office noticed a smaller activity of undertakings in relation to mergers and acquisitions than in previous years, which probably reflects mainly the consequences of COVID-19 pandemic.

2.2.2. Summary of significant cases

Approval of the acquisition of undertaking OTP Banka Slovensko, a. s., by undertaking KBC Group N.V.

95. On 22 May 2020, the Antimonopoly Office of the Slovak Republic, the Division of Concentrations, approved a merger grounded in the acquisition of indirect exclusive control of the undertaking KBC Group N.V., the Kingdom of Belgium (hereafter “KBC Group”) over the undertaking OTP Banka Slovensko, a. s., Bratislava (hereafter “OTP SK”).

96. According to the merger notification, KBC Group is the holding company of group KBC, which, at the time of merger assessment, was active in banking and insurance and focused on activities in retail banking, private banking, financial services for small and medium-sized enterprises and on mid-cap clients (hereafter "group KBC").

97. The business activities of group KBC at the time of merger assessment by the Office were provided in the territory of the Slovak Republic mainly through the undertakings Československá obchodná banka, a.s., ČSOB Poist’ovňa, a. s., ČSOB Leasing, a.s., ČSOB Leasing poisťovací maklér, s. r. o., ČSOB Real, s. r. o., ČSOB stavebná sporiteľňa, a. s., ČSOB Advisory, s. r. o. These activities are focused on providing retail banking, corporate banking, payment services, payment cards, leasing, financial intermediation services, financial market services, insurance services, building savings, factoring services, asset management services.

98. At the time of merger assessment, the business activities of OTP SK were in the territory of the Slovak Republic focused mainly on providing retail banking, corporate banking, payment services, payment cards, financial intermediation services, financial market services, factoring services. In terms of assessing the horizontal effects of given merger, the Office found that the activities of group KBC and OTP SK overlapped in the territory of the SR in the following areas of business activities: retail banking, corporate banking, payment services, payment cards, financial intermediation services, financial market services, factoring services.

99. Based on the information stated in the merger notification, the Office found that in terms of more narrowly identified relevant goods markets, with a spatial dimension given by the territory of the SR, in relation to the overlapping activities of group KBC and OTP SK, their common share after the merger would be less than 15 %. At the same time, the position of group KBC will not change significantly, regarding the position of OTP SK on individual more narrowly identified relevant markets. In terms of horizontal assessment, the given merger does not rise competition concerns.

100. Furthermore, the Office considered also the vertical effects of given merger in relation to: financial intermediation provided by OTP SK (broken down into financial intermediation provided in relation to insurance products, building savings, pension savings, supplementary pension savings, loans) - financial services provided by the group KBC in the SR. With regard to the position of OTP SK in financial intermediation, as well as with regard to the position of group KBC with regard to individual financial services provided, the Office did not identify that the given merger would cause the restriction of access of competing financial services providers to financial intermediation services neither the restriction of access of competing financial intermediation providers to the products of financial service providers. Therefore, in terms of vertical assessment, the given merger does not rise competition concerns.

101. At the same time, regarding the position of group KBC and/or the position of OTP SK on individual more narrowly identified relevant markets within the SR and the existence of several banks with a higher position than the group KBC will have as the result of merger, the Office, in relation to the conglomerate effects of merger, did not identify the negative effects of assessed merger.

102. After evaluating the obtained documentation and information, the Office came to the conclusion that the assessed merger is in accordance with the Article 12 Paragraph 1 of the Act on Protection of Competition, as it will not significantly impede effective competition on relevant market, mainly as the result of creation or strengthening of a dominant position.

103. The decision came into force on 8 June 2020.

Approval of the merger of undertakings AGEL SK a.s. and Faculty Hospital with Polyclinic Skalica, a.s.

104. On 3 November 2020 the Antimonopoly Office of the Slovak Republic, the Division of Concentrations, approved a merger grounded in the acquisition of direct exclusive control of the undertaking AGEL SK a.s., Bratislava (hereafter "Agel SK" or "Notifier") over the undertaking Faculty Hospital with Polyclinic Skalica, a.s., Skalica (hereafter "Skalica Hospital").

105. The main activity of the undertaking Agel SK and companies belonging to its economic group is the provision of health care in the territory of the Slovak Republic. At the time of the merger assessment by the Office, the undertaking concerned provided inpatient health care (hereafter "IHC"), ambulant health care (hereafter "AHC"), medical care (hereafter "MC"), joint examination and treatment units (hereafter "JEaTU"), transport health service (hereafter "THS") and labour health service (hereafter "LHS"). In addition, at the time of the assessment it acted as the supplier of medical material.

106. The acquired undertaking Skalica Hospital, at the time of the merger assessment by the Office, provided health care in the territory of the Slovak Republic, namely IHC, AHC, JEaTU, MC, THS and LHS.

107. The Office identified that the activities of merging parties overlap horizontally in the area of providing IHC, AHC, JEaTU, MC, THS and LHS. There is also a vertical interlink between the parties, namely in relation to the supplies of medical material.

108. In order to assess the existence of overlaps in the area of providing IHC and AHC and for the needs of identifying geographically relevant markets, the Office relied on the locations of activity of IHC and AHC providers of the Notifier and Skalica Hospital, as well as on the fact, whether and to what extent patients migrate between them. From the information concerned, the Office came to the conclusion that there came to no geographical overlap of the merging parties activities in the area of providing IHC and AHC neither to the migration of patients between Skalica Hospital and Agel SK hospitals, and, therefore, there was no reason for the Office to assess the horizontal effects of the merger concerned in these areas in more details.

109. In the area of providing JEaTU, MC and THS there is a horizontal overlap between the activities of merging parties in terms of goods, but their activities do not overlap in terms of space.

110. In providing LHS, from the horizontal point of view, there comes to a product overlap as well as to a spatial overlap between the activities of merging parties, however, with respect to the market structure in this area, there was no reason for the Office to assess the horizontal effects of merger concerned in more details.

111. In assessing possible vertical effects of the merger concerned on the conditions of competition the Office relied mainly on the scope of supplies, which the Notifier supplies to Skalica Hospital and it came to the conclusion that the vertical interlink does not raise competition concerns in terms of the restriction of access to inputs or the restriction of access to customers.

112. After evaluating documentation and information submitted, the Office came to the conclusion that the merger assessed does not significantly impede effective competition on relevant markets, in particular as the result of creation or strengthening of dominant position and approved the merger.

113. The decision came into force on 12 November 2020.

Imposing fines on the undertakings GRAFOBAL GROUP development, a. s., and Bratislavská vodárenská spoločnosť, a. s., for a failure to notify a merger and the premature implementation of rights and obligations arising from it

114. On 20 May 2020 the Division of Concentrations of Antimonopoly Office of the Slovak Republic issued a decision, by which it imposed a fine in the amount of EUR 27 000 on the undertaking GRAFOBAL GROUP development, a. s., Bratislava (hereafter “GGD”) and a fine in the symbolic amount of EUR 1 000 on the undertaking Bratislavská vodárenská spoločnosť, a. s., Bratislava (hereafter “BVS”).

115. In the decision, the Office stated that the undertakings GGD and BVS infringed the Article 10 Paragraph 7 of the Act on Protection of Competition by failing to notify the merger grounded in the acquisition of their joint control over the undertaking Infra Services, a.s., Bratislava (hereafter “Infra Services”), which was created on 20 May 2019 in the manner specified in the Office’s decision No. 2019/KOV/SKO/3/28, before rights and obligations arising therefrom began to be exercised.

116. The Office also stated that the undertaking GGD had infringed the Article 10 Paragraph 11 of the Act on Protection of Competition by exercising rights and obligations arising from this merger before the Office had validly decided on it, i. e. on 5 September

2019. The merger concerned was established by two legal acts, one of which was implemented by the undertaking GGD by acquiring 49 % of the shares in Infra Services on 20 May 2019 so that on that day they were endorsed, transferred and he entered in the list of shareholders of company Infra Services, stating that on 20 June 2019 he paid a part of purchase price for these shares.

117. In relation to the undertaking BVS, the Office stopped the proceedings in the matter of infringement of Article 10 Paragraph 11 of the Act on Protection of Competition, as the Office did not prove in the proceedings that the undertaking BVS infringed the provision of the Act.

118. Regarding the fact that a settlement of the undertaking GGD was reached in relation to the infringements of Article 10 Paragraph 7 and Paragraph 11 of the Act, the Office reduced his fine, which it would otherwise have imposed on him, by 50 %.

119. In imposing the fine, the Office relied mainly on the severity and in the case of infringement of Article 10 Paragraph 11 of the Act also on the duration of infringement. Within the severity of infringement of Article 10 Paragraph 7 of the Act, the Office took into account, inter alia, also the fact that the Office finally issued a decision approving the merger, furthermore, in some respect the precedent nature of this case and in the case of undertaking BVS also the facts related to its non-participation in legal acts establishing the given merger. In the case of infringement of Article 10 Paragraph 11 of the Act by the undertaking GGD, the Office took into account, inter alia, the scope of acts by which the undertaking GGD committed the infringement of the Act in this case, as well as the alleged precedent nature of this case.

120. In the case of infringements of the Act by the undertaking GGD, the Office, regarding the need to ensure the preventive and repressive effect of fine, took into account especially also the fact that the undertaking GGD belongs to a group with a strong economic background.

121. With regard to the published information, according to which BVS intended to acquire an exclusive control over Infra Services, the Office pointed out that this was a different transaction from the one in respect of which the Office imposed fines.

122. The decision came into force on 4 June 2020. Since the parties to the proceedings did not lodge an appeal against the decision, this decision of the Office became a final decision in the matter.

3. Role of competition authorities in the formulation and the implementation of other policies

3.1. Inter-ministerial comment procedures

123. Also during last year, the Office dealt also with activities that are a part of competition advocacy, because the Office has long perceived their potential in developing and promoting effective competition in various areas of the economy in Slovakia.

124. The competition advocacy included, for instance, sending comments on the proposals of generally binding legal regulations and other non-legislative material in inter-ministerial comment procedure. In 2020, the Office sent comments on 43 materials submitted in the inter-ministerial comment procedure. It sent only fundamental comments to 7 proposals, recommendations to 33 proposals and it sent both fundamental comments and recommendations simultaneously to 3 proposals. Therefore, the Office had

fundamental comments on 10 materials - this number includes comments made from the point of view of competition protection, as well as comments outside this framework.

125. The Office's comments concerned, for example, the proposals of the Act on Judicial Council of the SR, the Decree of the Ministry of the Environment of the SR on extended liability of producers of reserved products and management of reserved waste streams, the Public Procurement Act, the Constitutional Act on old-age pension system, the Waste Act, the Health Insurance Act, the Act on Health Insurance Companies and Supervision of Health Care, the Act on Acquisition of Ownership of Agricultural Land, the Decree of the Ministry of Transport and Construction of the SR, which implements the Act on Driving Schools. Likewise, the Office made several comments from the point of view of state aid, too.

126. Further information on these comments, as well as on others are available in the Office's newsletters Competition Bulletin published at the Office's website www.antimon.gov.sk/newsletter-sutazny-spravodajca/ or at the portal Slov-Lex www.slov-lex.sk (both available only in Slovak language).

3.2. Act on protection of competition

127. In 2020, the Antimonopoly Office of the SR in the legislative, legal field dealt in a significant extent with preparing the proposal of new wording of the Act on Protection of Competition - the Act No. 187/2001 Coll., transposing the ECN + Directive (the 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) into Slovak legal system. The transposition into the provisions of national legislation of all EU Member States should improve and streamline the co-operation between national competition authorities.

128. The Antimonopoly Office of the SR, therefore, prepared the proposal of new wording of the Act on Protection of Competition and on Amendments and Supplements to Certain Acts (hereafter also "the proposal of the act"). In the process of preparing the proposal of new wording of the Act on Protection of Competition, the Office received several suggestions and stimulating comments from the professional and general public within the framework of an expert discussion.

129. Subsequently, the Office submitted the proposal of the act for a preliminary comment procedure (at the beginning of July 2020), for an inter-ministerial comment procedure (in October 2020) and also for the meeting of the Government of the SR (at the end of 2020). As there came to a change in the field of drafting the proposals of acts, the Office cooperated with the Department of legislation of other central state administration bodies of the Office of the Government of the SR in the course of the legislative process.

130. In 2021, the proposal of the act was discussed by the Government of the SR and submitted to the National Council of the SR for discussion and also delivered to the President of the SR for a signature. At the same time, at the beginning of February 2021, the Office of the Government of the SR, in coordination with the Antimonopoly Office of the SR, began the process of inter-ministerial commenting on related implementing regulations.

131. The act entered into force on 1 June 2021.

3.3. International co-operation

132. The Office also continued to focus its attention on international co-operation with several institutions. At international level, the Office actively contributed to professional discussions, presented its activities, experiences, attitudes and significant outcomes in various activities and at the same time it fulfilled the obligations arising from its membership in the EU and in other organizations. These were, in particular, the ECN (European Competition Network), the OECD (Organization for Economic Development and Co-operation), in the framework of which the Office regularly participates in meetings and it also contributes to discussions. In 2020, it was mostly the online form of participation. The Office also develops bilateral relations and co-operation with competition authorities located in Europe, which with it exchanges knowledge, experience and practices. The Office's representatives actively participated in the meetings of the OECD Competition Committee, as well as in negotiations at the ECN level. Due to the period of COVID-19 pandemic, the co-operation and the exchange of experiences were even more necessary.

133. In March 2020, the Office joined other competition authorities cooperating within the European Competition Network ECN within a joint declaration on the application of competition rules in the EU during the crisis resulting from the spread of coronavirus. In the declaration, all competition authorities uniformly acknowledged the social and economic consequences of this crisis. At the same time, they jointly emphasized that competition rules were flexible enough to take account of such changes of circumstances in market.

134. Within the framework of European legislation, the topic of new rules being prepared in the field of digital markets resonated in particular. In December, the European Commission presented the proposal of new legislation. Although the Office is not its custodian, it closely monitors its development and legislative process.

3.4. Public relations and raising competition awareness

135. The development of a fair competitive environment is positively affected also by improving the awareness of importance of an effectively functioning competitive environment, of competition rules and of benefits arising from complying with them. Many working meetings and professional discussions with undertakings, the representatives of state administration and local administration authorities in the SR, an academia and legal community or with experts from competition institutions abroad, as well as educational activities led by the Office not only help to promote competition principles in the ordinary life and stimulating a greater competition in the market, but at the same time they play the role of preventing possible competition concerns, the distortions of a competitive environment or the infringements of rules of a fair competition.

136. In 2020, the Office's representatives and delegates contributed to the dissemination and the raising of a competition awareness also during 4 training activities, which were led on the theme of rules of competition protection and anticompetitive practices. At the same time, they led other 4 training activities concerning the rules for granting state aid and de minimis aid and 79 working meetings with the providers of state aid and de minimis aid. The Office's delegate represented the Office also at international events on current issues and challenges in the field of competition law. Last year, they attended most of these events in online space, regarding the anti-epidemic measures taken that year in connection with the spread of COVID-19 infection.

137. Also during 2020, the Office paid attention to creating and maintaining positive relations with the public also through its communication activities. Throughout the whole year, it provided the general public especially with up-to-date information on the Office's activities and the outcomes of its work. It issued 94 press releases concerning competition protection and state aid coordination. It sent its press releases to the representatives of mass media and at the same time it made them available at its website www.antimon.gov.sk. It informed about their release also via its profile on the social network twitter www.twitter.com/PMUSR_tweetuje. At its website, the Office published also press releases related to its partnership with institutions cooperating within the network for the protection of EU's financial interests in the SR and the fight against fraud - AFCOS, which concerned mainly issued annual reports.

138. At the same time, it processed and sent 205 written responses or statements to the representatives of mass media active mostly in Slovakia. In addition, it contributed with its articles and opinions to expert journals and other kind of media on legal and competition issues.

139. Already for the twelfth year, it was quarterly sending the public its newsletter named Competition Bulletin and it was publishing it on its website. Thereby, it brought the up-to-date overview of its activities and interesting news from the field of competition protection and state aid coordination. In it, the Office stated also some brief news about the European Commission's activities and other competition institutions abroad.

140. Another publication output of the Office was its annual report for the past year. After preparing the Report of the Antimonopoly Office of the Slovak Republic on activities for 2019 and submitting it for discussion by the Government of the Slovak Republic, it also made it available on its website, including the plan of main tasks for the current period. The Office, as well as other competition authorities in the world, informed the OECD, the Directorate for Financial and Trade Affairs, about the most important activities in the past year through the Annual Report on the Development of Competition Policy in the Slovak Republic.

141. It continued publishing valid decisions and the notices of initiation of administrative proceedings in the Commercial Bulletin on a regular basis and publishing them on its website, as well.

142. In 2020, it published also an updated document on its prioritization policy – Prioritization Policy of the Antimonopoly Office of the Slovak Republic. In the document, like other competition institutions, it set, among others, priority criteria. Their importance lies mainly in the transparent and efficient procedure of selection and evaluation of the Office's cases. In accordance with the updated priority criteria, the Office assesses, inter alia, the seriousness of possible breach of competition rules already in terms of the abuse of emergency situation connected with the spread of COVID-19 disease by both abusing dominant position and concluding an agreement restricting competition.

143. By the end of 2020, the Office published the document Selected Findings and Conclusions from the Investigations of the Antimonopoly Office of the Slovak Republic in the Fuel Retail Sale Sector. In it, it made available the details of investigations, which it had carried out in response to numerous complaints received from the public during the COVID-19 pandemic.

144. It participated in updating and issuing a methodological instruction related to the Management System of the European Structural and Investment Funds (hereafter also as "ESIF") and to setting up procedures within the framework of controlling public procurement (hereafter also as "PP"). By the Methodical Instruction of Central Coordination Body, No. 35, Version 2, on the co-operation with AMO SR in the field of

controlling PP and on the procedure of managing bodies in finding the possible infringement of competition rules or competition distortion within controlling PP, the process of co-operation with the Office in identifying risk indicators and indications indicating the conclusion of agreements restricting competition between entities involved in the PP process has been adjusted.

145. In the matters of social public interest, it continued cooperating with the state administration authorities of the SR. Based on concluded agreements on mutual co-operation, they provide each other with documentation, exchange information and knowledge, proceed matters and submit complaints, but also carry out expert meetings, consultations, training activities, also prepare opinions and legislation adjustments aimed at streamlining law enforcement.

146. It continued cooperating with universities in Slovakia, especially with the representatives and students of faculties focused on law and economics. In accordance with the concluded memoranda, the mutual co-operation takes place not only in the field of educating future experts on competition law issues, by which it also contributes to their better readiness for their future profession, but also in the field of organizing socially beneficial activities and scientific, research and consulting activity. Last year, the Office joined the project of Codex Center for Legal Informatics at Stanford University in California, the USA. As a part of the project named Computational Antitrust, several competition authorities around the world cooperate and focus on the new area of legal informatics. With the interest to streamline the detection, analysis and correction of anticompetitive practices, they work together to create and improve automated calculation methods for the application of antitrust policy. In addition to research activities, they are also engaged in publishing and educational activities.

4. Resources of competition authority

4.1. Resources overall

Table 8. Annual Budget

	2020	Change over previous year
Total expenses	3 546 672,26	- 632 950,13 EUR - 742 460,00 USD

147. For the year 2020, expenses totalling EUR 3 317 thous. were approved for the year 2020 and by implemented budgetary measures they were adjusted to EUR 3 547 thous. The difference between the approved and the adjusted budget is represented by the implemented budgetary measures of the Ministry of Finance of the SR and the Office of the Government of the SR in 2020. The budgetary measures were implemented with the approval of the Ministry of Finance of the SR and they were associated mainly with the approved requests for the payment of the Office of the Government of the SR to projects within the Operational Programme Technical Assistance, the increase in salary requirements in accordance with the Civil Service Act No. 55/2017 Coll. of a civil servant in public function, following the Agreement on the transfer of rights and obligations between AMO SR and the Office of the Government of the SR and the Agreement on the performance of administration and maintenance of the Documentation System between the Ministry of Finance SR and AMO SR.

Table 9. Number of employees

	2020	Change over previous year
Economists	22	+1
Lawyers	30	+1
Other professionals	13	-3
Support staff	10	0
Total	75	-1

4.2. Human resources**Table 10. Table 10. Human resources**

	2020	Change over previous year
Enforcement against anticompetitive practices	22	+1
Merger review enforcement	30	+1
Advocacy efforts	13	-3
State aid	10	0

4.3. Period covered by the above information

Year 2020