

Unclassified

English - Or. English

2 November 2022

Directorate for Financial and Enterprise Affairs
COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in the Slovak Republic

-- 2021 --

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

JT03506447

Table of contents

Slovak Republic	3
1. Executive summary	3
1.1. Overview of decision-making activities	3
1.2. Overview of other significant activities	5
2. Enforcement of competition laws and policies	7
2.1. Action against anticompetitive practices	7
2.2. Mergers and acquisitions	16
3. Role of competition authorities in the formulation and the implementation of other policies	19
3.1. New wording of the Act on Protection of Competition and the revision of legal regulations	19
3.2. Inter-ministerial comment procedures and the Office’s statements.....	20
3.3. Advocacy letters of the Office on the solution of competition problems	21
3.4. Professional discussion on the proposal of the Office’s prioritization policy	21
3.5. International cooperation.....	22
3.6. Public relations and raising competition awareness	22
4. RESOURCES OF COMPETITION AUTHORITY	27
4.1. Resources overall	27
4.2. Human resources	27
4.3. Period covered by the above information	28

TABLES

Table 1. Overview of the number of decisions issued in 2021	4
Table 2. Overview of decisions on cartels (issued within the 1st-instance and the 2nd-instance proceedings)	8
Table 3. Overview of other activities in the field of cartels within the 1st-instance	8
Table 4. Overview of decisions on vertical agreements	9
Table 5. Overview of other activities in the field of vertical agreements within the 1st-instance	9
Table 6. Overview of decisions on the abuse of dominant position	10
Table 7. Overview of other activities in the field of abuse of dominant position within the 1st instance	10
Table 8. Overview of activities in the field of restriction of competition by state and local administration authorities within the 1st instance	11
Table 9. Overview of decisions on breaching obligations (issued within the 1st-in-stance and the 2nd instance proceedings)	12
Table 10. Overview of decisions issued within the 2nd-instance proceedings	12
Table 11. Appeal against the 1st-instance decision received	12
Table 12. Overview of decisions on the assessment of mergers	17
Table 13. Overview of other activities in the field of merger control within the 1st-instance	17
Table 14. Annual budget	27
Table 15. Number of employees	27
Table 16. Human resources	28

Slovak Republic

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, abuse of dominant position, vertical agreements, it controls mergers, which meet notification criteria and assesses the conduct of state and local administration authorities if they restrict competition by their conduct. It ensures the protection of competition in the area of state aid as well.
3. The Office’s competences flow out from the provisions of the Act No. 187/2021 Coll. on Protection of Competition and on Amendments and Supplements to Certain Acts (hereafter also "the Act on the Protection of Competition in effect since 1 June 2021", "the Act on Protection of Competition"), which entered into force on 1 June 2021. This Act replaced 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 Organization of Ministries and Other Central Bodies of State Administration of the Slovak Republic as amended as amended (hereafter "the Act No. 136/2001 Coll."), which was in effect from 27 December 2016 to 31 May 2021.
4. The Act No. 187/2021 Coll. at the same time transposed the Directive 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 (hereafter “ECN+ Directive”) into Slovak legal system.
5. 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 Slovak Republic in the European Union.
6. Within the competences set by the Act on Protection of Competition, the Antimonopoly Office of the Slovak Republic conducts mainly investigations on a relevant market, in administrative proceedings it decides on the infringements of the Act in the matter of agreements restricting competition, abuse of dominant position and restrictions of competition by state and local administration authorities and it also performs mergers control, as well as it proposes measures to protect and promote competition
7. 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

8. In 2021 the Antimonopoly Office of the SR issued a total of 46 decisions in the field of merger control and in the matter of infringement of competition rules.
9. Out of the stated total number of decisions, the Office issued 44 decisions within the first-instance proceedings. These decisions were issued by the Division of

Concentrations (35 decisions), the Division of Cartels (7 decisions) and the Division of Abuse of Dominant Position and Vertical Agreements (2 decisions). The Council of the Antimonopoly Office of the SR, which is the second-instance body, (hereafter also “the Council of the Office”, „the Council of AMO SR“), issued 2 decisions within the review of the Office’s decisions issued in the first-instance proceedings.

10. By the following chart we document the overview of number of decisions, which the Office issued in the areas of its competence in 2021:

Table 1. Overview of the number of decisions issued in 2021

	Mergers	Abuse of dominant position	Agreements restricting competition	Restriction of competition by state and local administration bodies	Imposition of a fine for non-cooperation with the Office	Total
First-instance	35	1	5	0	3	44
Second-instance	0	0	1	0	1	2
Total	35	1	6	0	4	46

11. In terms of number of decisions issued in 2021, the number of decisions issued in the matter of merger assessment prevailed. The Division of Concentrations of the Office in the area of merger control issued a total of 35 decisions, of which by 32 decisions it issued an approval with merger, by 1 decision it issued an approval with merger along with the imposition of certain conditions and obligations, and by 2 decisions it stopped an administrative proceeding.

12. The establishment of the Act on Protection of Competition in effect since 1 June 2021 enabled the Office to streamline and speed up the assessment of non-problematic concentrations of undertakings, where there were no horizontal nor vertical overlaps, as the Act enshrined the institution of issuing a decision in the simple cases of merger without justification. Last year, since the entry into force of Act No. 187/2021 Coll., i. e. since 1 June 2021, the Office applied the institute in 7 decisions in the matter of mergers control.

13. Last year, the Office recorded another significant number of decisions in the area of agreements restricting competition. Decisions regarding agreements restricting competition were issued by the Division of Cartels (4 decisions), the Division of Abuse of Dominant Position and Vertical Agreements (1 decision) and the Council of the Office (1 decision).

14. The aforementioned number of decisions on the imposition of fines for non-cooperation of undertakings with the Office were issued by the Division of Cartels (3 decisions) and also by the Council of the Office (1 decision), while by 3 decisions the Office, the Division of Cartels, and the Council of the Office imposed fines on undertakings for breaching an obligation to submit documentation and information to the Office in the scope, quality and specified period and by 1 decision, the Office, the Division of Cartels, imposed a fine for breaching obligations related to the course of an administrative proceeding.

15. Out of the total number of decisions issued last year, the Office or the Council of the Office imposed fines on undertakings in 8 decisions for the infringement of provisions of the Act on Protection of Competition in various areas of Slovak economy. Last year, by the decisions they sanctioned a total of 16 undertakings. Valid fines imposed reached the total amount of EUR 1 547 392,86.

16. Last year, the highest total amount of fines was imposed by the Office for a cartel agreement in public procurement (hereafter "PP"), which was related to the construction of specific electrical equipment and its commissioning. In the case in question, the Office imposed fines totalling more than EUR 8,6 million on 3 undertakings. Since the undertakings concluded the cartel agreement in connection with the PP process, the Office imposed on 2 undertakings, in addition to imposing fines, also a ban on participation in PP for a period of 3 years from the entry into force of final decision in the matter. Due to the fact that the third undertaking applied for participation in the leniency programme during the administrative proceedings and at the same time he settled, he avoided the ban on participation in PP.

17. Last year, the Office imposed another high fine for the abuse of dominant position. The Office imposed a fine of almost EUR 1,2 million on an undertaking operating in the field of industrial park management and energy production and supply. In the course of this administrative proceedings, in 2020, the Office had applied the institution of issuing a decision on a preliminary measure, the aim of which was to ensure the restoration of supply of energy and media, since they had been interrupted to one of entities operating in its industrial park.

18. Regarding both of the above-mentioned decisions in the matter of the cartel agreement and in the matter of the abuse of dominant position, the parties to the proceedings exercised their right to lodge an appeal within a statutory time-limit, and thus both cases became the subject of review by the Council of the Antimonopoly Office of the SR.

19. The Council of the Antimonopoly Office of the SR also imposed a high fine last year, too. It imposed a fine exceeding the total amount of EUR 1,1 mil. on 6 undertakings for a cartel agreement, which related to the submission of bids for public procurements carried out through an electronic contracting system. In this case, the Council of the Antimonopoly Office of the SR, by its decision, appropriately reduced the fines imposed on undertakings by the first-instance body and at the same time it confirmed the imposition of a ban on participation in PP for a period of 3 years from the entry into force of final decision on all participants in the proceedings.

20. Last year, the Office and the Council of the Office also sanctioned 4 other undertakings by decisions for various forms of breaching obligations towards the Office under the Act on Protection of Competition. They imposed almost EUR 342 thousands on undertakings for breaching an obligation to submit the necessary documentation and information in the scope, quality and time-limit determined by the Office or for breaching an obligation related to the course of an administrative proceeding.

21. Out of the stated total number of decisions, in 1 decision in the matter of a possible vertical agreement, the Office applied the institution of imposition of commitments, which appear to be effective in solving competition concerns and their quick elimination. In the given decision, the Office imposed certain commitments on an undertaking operating in the field of selling original ink and toner cartridges, by which it appropriately and adequately responded to the identified competition concerns about the possible restriction of competition.

1.2. Overview of other significant activities

22. For the Antimonopoly Office of the SR, from the point of view of fulfilling the mission of protecting and supporting competition, it is important to both uncover and punish mutual agreements between undertakings concluded and applied in violation of the

Act on Protection of Competition, and to act preventively against the restrictions of competition through the timely implementation of appropriately chosen activities.

23. In the legislative and legal field, the Office dealt with the legislative process of proposal for the new wording of the Act on Protection of Competition. The new Act on Protection of Competition - the Act No. 187/2021 Coll. entered into force on 1 June 2021. On that date, the related executive regulations of the Office also entered into force. In this context, the Office also dealt with the revision of several methodological guidelines and instructions in the field of competition, which are published on the website of the Office.

24. During last year, the Office tried to prevent competition problems and violations of competition rules, for example, also by sending comments to proposals for generally binding legal regulations and materials that were submitted to interministerial comment procedure. In 2021, the Office sent comments on a total of 61 proposals for materials submitted to the interministerial comment procedure. Of these, the Office sent only fundamental comments to 6 proposals, to 46 proposals the Office sent only recommendation comments, and to 9 proposals the Office sent both fundamental and recommendation comments. Thus, the Office applied fundamental comments to 15 proposals - the stated number includes comments that were given from the point of view of competition protection, as well as comments out of this framework.

25. For the benefit of undertakings and consumers in various areas of economy, the Office also pointed out possible problems in the area of already valid and effective legislation and tried to solve them. In 2021, the Office proactively alerted 6 state bodies and 1 local government to identified problems from the point of view of competition through advocacy letters. Since the Office's cooperation with state administration and self-government bodies in the SR appears to be effective and beneficial also in solving problems or concerns from the point of view of competition, the Office is interested in its continuation in the case of identification of other problem areas.

26. In 2021, the Office opened a professional discussion with the professional and lay public regarding the application of prioritization policy in the Office's activities. In connection with the entry into force of the Act No. 187/2021 Coll. and the provision on prioritization policy adopted by this Act, the Office updated its prioritization policy in June 2021, in which it also took into account the stimulating proposals and comments, which it received from the public.

27. The Office also emphasized activities improving the public awareness of competition rules and its importance. Representatives and delegates of the Office participated as lecturers in several educational activities, while many of them were held online with regard to the epidemic situation. Also last year, the delegates of the Office contributed with their articles to professional magazines and other types of media focused on legal and competition issues.

28. At international level, representatives and delegates of the Office represented contributions during international events, meetings and professional discussions, as well. At the same time, the Office fulfilled the tasks that result from its membership in the EU and international organizations, especially ECN - European Competition Network and OECD - Organization for Economic Cooperation and Development.

29. The Office considered it was important to create and maintain positive relations with the public and to continuously inform it about its more significant results and its activities. In order to simplify the public's access to current information about the work and results of the Office, to the overview of the areas of competence and to other necessary information, the Office launched its new website www.antimon.gov.sk, which, in accordance with the applied Uniform Design Manual of electronic services, underwent

mainly a visual change. On its website last year, the Office published 117 press releases that related to the protection of competition and the coordination of state aid. It also sent press releases to mass media representatives and its stakeholders. The Office provided 102 written answers and statements to the questions of mass media representatives from Slovakia and abroad.

30. For the thirteenth year, the Office also informed the public about current events in the field of competition and coordination of aid on a quarterly basis through the publication of its newsletter, *Competition Bulletin*. In addition, the Office prepared a report on its activities for the past year and, after submitting it to the Slovak government, it published the annual report for 2020 on its website. The Office continued to publish valid decisions and announcements on the initiation of administrative proceedings on its website and on the portal of the *Commercial Journal*. The Office also presented news on the social network Twitter through its profile.

31. The Office was maintaining and developing cooperation with Slovak state administration bodies and universities, as it perceives it as an opportunity to support effectively functioning competition or raise awareness of the issue of competition.

2. Enforcement of competition laws and policies

2.1. Action against anticompetitive practices

32. Undertakings can restrict competition through illegal agreements, in a horizontal direction (in the cases of cartel agreements) or in a vertical direction (in the cases of vertical agreements).

33. In order to maintain an environment, in which a fair competition operates, the abuse of position by undertakings in a dominant position on a relevant market is also prohibited.

34. The Antimonopoly Office of the SR can also take action against the conduct of state administration bodies, territorial self-governments, self-interested self-governments, if by their conduct they clearly favour a certain undertaking or restrict competition in some other way.

35. At the same time, the Act on Protection of Competition establishes obligations for undertakings, compliance with which is necessary for the Office to achieve its aims and perform its tasks in the protection and promotion of competition.

36. Over the past few years, the Office has made a significant contribution to the strengthening of protection of competition through the streamlined relations with the entities involved in the control of the use of funds, as well as the cooperation of the Office with state administration bodies, which is carried out in terms of memoranda or agreements on mutual cooperation.

37. At the same time, the Office has received several complaints for possible anti-competitive behaviour in various sectors of Slovak economy. The increased number of complaints for the Office came from entities competent in the field of control of drawing funds from the European Structural and Investment Funds.

2.1.1. Summary of activities of competition authority and courts

2.1.1.1 Cartel agreements

38. In 2021, in the matter of cartel agreements, the Division of Cartels of AMO SR as the first-instance body issued a total of 4 decisions within the framework of the first-instance proceedings, and the Council of AMO SR issued 1 decision in the framework of the second-instance proceedings.

Table 2. Overview of decisions on cartels (issued within the 1st-instance and the 2nd-instance proceedings)

Issued decisions	<ul style="list-style-type: none"> • within 1st instance proceedings: 4 • within 2nd instance proceedings: 1
Sanctioned undertakings	11 undertakings
Total amount of fines imposed	more than EUR 9,8 mil.
Leniency programme and the institute of settlement applied	in the favour of 2 undertakings
Ban on participation in public procurement imposed	on 9 undertakings
Decisions coming into force in 2021	3 of decisions
Appeal received in 2021	against 1 of decisions

39. In 2021, the Division of Cartels of AMO SR received 46 complaints and carried out 88 general investigations related to possible agreements restricting competition. At the same time, the Division of Cartels of AMO SR led 5 administrative proceedings.

Table 3. Overview of other activities in the field of cartels within the 1st-instance

Administrative proceedings	<ul style="list-style-type: none"> • initiated in 2021: 1 • conducted in 2021 altogether (including those initiated in previous years): 5
Investigations	<ul style="list-style-type: none"> • initiated in 2021: 46 • conducted in 2021 altogether (including those initiated in previous years): 88
Complaints	received in 2021: 46

40. Last year, AMO SR conducted the most investigations in the area of cartel agreements over the past 5 years. As part of the investigations, it dealt with the complaints received not only last year, but also in the previous year 2020, when it had recorded the highest number of received complaints. Last year, AMO SR received a lower number of complaints for possible cartel agreements than in the previous year, which was influenced, among other things, by the deepening of the Office's cooperation with Slovak state administration bodies or educational activities led by representatives of the Division of Cartels of AMO SR, during which the powers of AMO SR were explained to the participants, clarified the risk indicators indicating the possible violation of rules of competition and drew attention to complaints, the solution of which does not fall under the competences of AMO SR. Based on the conducted investigations and administrative proceedings, AMO SR issued a higher number of decisions last year than in 2020.

2.1.1.2 Vertical agreements

41. In 2021, AMO SR, the Division of Abuse of Dominant Position and Vertical Agreements, issued 1 decision in the matter of vertical agreements. The decision came into force in the same year.

42. In this decision, AMO SR applied the institution of imposition of commitments, by which it responded to its competition concerns identified in the preliminary assessment of a possible violation of competition rules by the undertaking. The aim of the commitments imposed by the Office was to eliminate the possible restriction of competition.

Table 4. Overview of decisions on vertical agreements

Issued decisions	within 1 st instance proceedings: 1
Coming into force in 2021	yes
Fine imposed	no
Commitments imposed	on 1 undertaking
Ban on participation in public procurement imposed	on 9 undertakings
Decisions coming into force in 2021	3 of decisions
Appeal received in 2021	against 1 of decisions

43. In 2021, the Division of Abuse of a Dominant Position and Vertical Agreements of AMO SR in the matter of vertical agreements received 3 complaints, carried out 3 general investigations and conducted 1 administrative proceeding.

Table 5. Overview of other activities in the field of vertical agreements within the 1st-instance

Administrative proceedings	<ul style="list-style-type: none"> initiated in 2021: 0 conducted in 2021 altogether (including those initiated in previous years): 1
Investigations	<ul style="list-style-type: none"> initiated in 2021: 2 conducted in 2021 altogether (including those initiated in previous years): 3
Complaints	received in 2021: 3

44. During the past few years, AMO SR recorded a relatively stable number of complaints, investigations and administrative proceedings in the field of vertical agreements. In 2021, in this area, AMO SR received less complaints than in previous years, but it carried out the same number of investigations and administrative proceedings as in the previous year. At the same time, it issued 1 decision in this field.

2.1.1.3 Abuse of dominant position

45. In the matter of abuse of a dominant position, the Division of Abuse of Dominant Position and Vertical Agreements of AMO SR issued 1 decision in 2001. The decision did not come into force last year, as AMO SR received an appeal lodged by a party to the proceedings in the given case and the first-instance decision of AMO SR became the subject of review by the Council of AMO SR within the second-instance proceedings.

Table 6. Overview of decisions on the abuse of dominant position

Issued decisions	within 1 st instance proceedings: 1
Sanction imposed	on 1 undertaking
Amount of fine imposed	almost EUR 1,2 mil.
Coming into force in 2021	no, as the participant to the proceedings lodged an appeal

46. In 2021, the Division of Abuse of Dominant Position and Vertical Agreements of AMO SR registered 53 new complaints in the field of abuse of dominant position, it conducted 12 more detailed investigations and carried out 4 administrative proceedings.

Table 7. Overview of other activities in the field of abuse of dominant position within the 1st instance

Administrative proceedings	<ul style="list-style-type: none"> initiated in 2021: 0 conducted in 2021 altogether (including those initiated in previous years): 4
Investigations	<ul style="list-style-type: none"> initiated in 2021: 7 conducted in 2021 altogether (including those initiated in previous years): 12
Complaints	received in 2021: 53

Note:
Source:

47. In the field of abuse of dominant position, last year AMO SR received a higher number of complaints than in the previous period. AMO SR also evaluated the received complaints within the framework of more detailed investigations, and as a result, AMO SR conducted the highest number of investigations last year compared to previous 4 years. At the same time, last year AMO SR also carried out the highest number of administrative proceedings over the past 5 years.

2.1.1.4 Restriction of competition by state and local administration authorities

48. In relation to this form of unlawful restriction of competition, last year the Division of Cartels of the Antimonopoly Office of the SR received 10 complaints and conducted 13 more detailed investigations, including investigation, which it had initiated in previous years.

Table 8. Overview of activities in the field of restriction of competition by state and local administration authorities within the 1st instance

Administrative proceedings	<ul style="list-style-type: none"> initiated in 2021: 0 conducted in 2021 altogether (including those initiated in previous years): 0
Investigations	<ul style="list-style-type: none"> initiated in 2021: 10 conducted in 2021 altogether (including those initiated in previous years): 13
Complaints	received in 2021: 10

49. Last year, AMO SR conducted the most investigations related to possible illegal restriction of competition by state and local government authorities over the past 5 years. The increase in the number of investigations was also influenced by the slight increase in the number of complaints received by AMO SR during a few past years. The stated number of received complaints, as well as the number of conducted investigations in this field of competence of AMO SR in 2021, was recorded by the Division of Cartels. Neither last year nor in the previous year, in the course of these investigations, there was no suspicion entitling AMO SR to initiate administrative proceedings and subsequently issue a decision in the given matter.

2.1.1.5 Other forms of breaching obligations

50. In 2021, in connection with the breach of obligations set by the Act on Protection of Competition, AMO SR, the Division of Cartels, issued 3 decisions within the first-instance proceedings, by which it sanctioned a total of 3 undertakings with a fine of a total amount of EUR 11 000. Out of the relevant decisions, by 2 decisions AMO SR imposed fines on undertakings for submitting incomplete documentation and information required by the Office and by 1 decision it imposed an administrative fine in the maximum possible amount of EUR 3 300 for the breach of obligation of the participant to a proceeding to immediately notify the Office of any change related to the proceeding.

51. Last year, in this context, the Council of AMO SR also issued 1 decision within the second-instance proceedings. By the decision, which has been in force, the Council of AMO SR confirmed a fine of EUR 330 867 imposed on the undertaking by the first-instance body of AMO SR, the Division of Abuse of Dominant Position and Vertical Agreements, in 2020 for the failure to submit documentation and information required within a time-limit set by the Office and for submitting false information.

Table 9. Overview of decisions on breaching obligations (issued within the 1st-instance and the 2nd instance proceedings)

Issued decisions	<ul style="list-style-type: none"> • within 1st instance proceedings: 3 • within 2nd instance proceedings: 1
Undertakings fined	4 undertakings
Amount of fines imposed	almost EUR 342 thus.
Coming into force in 2021	2 of decisions
Appeal received in 2021	against 2 of decisions

2.1.1.6 Second-instance proceedings

52. The Council of the Antimonopoly Office of the Slovak Republic is the Office's second-instance body. It reviews decisions issued at the first instance, against which parties to proceedings have lodged an appeal.

53. Decisions issued by the Council of AMO SR come into force when they are delivered to participants to the proceeding.

54. In 2021, the Council of AMO SR issued 1 decision in the matter of an agreement restricting competition and 1 decision in the matter of breaching an obligation established by the Act in connection with the failure to submit documentation and information required within a time-limit set by the Office and the submission of false information. Both decisions entered into force in 2021. By both decisions, the Council of AMO SR upheld the reviewed first-instance decisions of AMO SR and imposed sanctions on the total of 7 undertakings in the total amount of EUR 1 475 302 and at the same time imposed it also imposed a ban on 6 undertakings from participating in public procurement.

55. In 2021, on the basis of appeal lodged by a party to proceedings, the decision issued by the Division of Abuse of Dominant Position and Vertical Agreements in 2021 in the first-instance proceedings became the subject of review by the Council of AMO SR.

Table 10. Overview of decisions issued within the 2nd-instance proceedings

Decisions issued in the matter of	<ul style="list-style-type: none"> • agreements restricting competition: 1 decision • breaching obligation set by the Act: 1 decision
Coming into force in 2021	2 of decisions
Undertakings sanctioned	7 undertakings
Coming into force in 2022	almost EUR 1,5 mil.
Ban on participation in public procurement imposed	on 6 undertakings

Table 11. Appeal against the 1st-instance decision received

Appeal lodged against the 1st-instance decision received in 2021	against 1 decision on the abuse of dominant position
--	--

56. Proceedings conducted by the Council of AMO SR in cases set by the Act 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.

2.1.1.7 Judicial review of the Office's decisions

57. 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

58. In accordance with 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").

59. Within the framework of decisions review, a total of 5 court decisions were issued in 2021. Out of them, RC BA decided in 4 cases and SC SR decided in 1 case.

60. SC SR in the given case dismissed the cassation complaint filed by the plaintiff against the judgment of RC BA, by which plaintiff's lawsuit was dismissed, and thus the decision of the Office was upheld by SC SR.

61. RC BA in 1 case, after returning the case to SC SR, changed the statement of the Office's decision in the part imposing a fine and in the remaining part it dismissed the RC BA's claim. Against the part of statement of decision, concerning the moderation of imposed fine, the Office filed a cassation complaint to SC SR.

62. RC BA dismissed the claims of the plaintiffs in 2 other cases and in 1 case it annulled the decision of the Office and returned the case to it for further proceedings, the Office also filed a cassation complaint against this decision to SC SR.

2.1.2. 2.1.2 Description of significant cases

2.1.2.1 Imposition of fines of almost EUR 9 million for a cartel in public procurement in energy sector

63. On 30 December 2021 the Division of Cartels of the Antimonopoly Office of the SR issued a decision, by which it imposed fines in the total amount of EUR 8 635 625 on three undertakings 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 No. 136/2001 Coll. and the Article 101 of the Treaty on the Functioning of the European Union.

64. In 2017, the Office received a complaint from Stop Corruption Foundation for the suspicion of coordination of undertakings' procedure in a public procurement announced by the operator of electricity transmission system in the territory of the SR in 2016.

65. Following the complaint, the Office initiated an investigation into the anticompetitive behaviour of undertakings, grounded in the coordination of their bidding procedure in the PP, the contract of which related to carrying out work in the energy sector.

66. The subject of PP was the supply of construction and assembly work, related goods and services required for the construction and commissioning of specific electrical equipment. The value of winning bid from relevant participant exceeded EUR 35 mil. (excluding VAT).

67. Within the framework of investigating the complaint, the Office carried out an inspection in the premises of two investigated undertakings on 28 and 29 May 2019. Based on information and documentation obtained by the Office during the investigation, on 11 March 2020 the Office, based on its own initiative, initiated an administrative proceeding against six undertakings in the matter of possible agreement restricting competition. The Office informed about the initiation of administrative proceeding in the given matter

through its press release published on its website at the following link AMO SR initiated an administrative proceedings in the matter of a possible agreement restricting competition in a public procurement for the realization of construction works in the energy sector.

68. Finally, the Office imposed a fine on only three participants to the proceeding, as in the proceeding in relation to the other three participants to the proceeding the Office did not prove that they would have violated the provisions of the Act No. 136/2001 Coll. on Protection of Competition. Given that one of the fined participants to the proceeding asked for the application of leniency programme and settled, the Office, by applying the relevant provisions of the Act on Protection of Competition, simultaneously only on the remaining two fined participants to the proceeding imposed a ban on participation in public procurement for 3 years.

69. The decision of the Office has not yet come into force. As the participants to the proceeding filed an appeal against this decision within a statutory time limit, the case has become the subject-matter of review by the Council of the Office.

2.1.2.2 Imposition of a fine of almost EUR 1,2 million for the abuse of dominant position in the area of industrial park management and energy production and supply

70. On 29 September 2021 the Division of Abuse of Dominant Position and Vertical Agreements of the Antimonopoly Office of the SR issued a decision, by which it imposed a fine in the amount of EUR 1 181 849 on an undertaking operating in the area of industrial park management and energy production and supply for the abuse of dominant position.

71. The Office's findings showed that the undertaking in dominant position has been obliging companies carrying out business activities in the industrial park to take energy and media from him since 2017, and at the same time preventing them from producing energy and media themselves or take them from the third parties.

72. The conduct in question was assessed by the Office as the practice of applying disproportionate business conditions in accordance with the Article 5 Paragraph 3 Letter a) of the Act on Protection of Competition (the Act No. 187/2021 Coll.) and the Article 102 Letter a) of the Treaty on the Functioning of the European Union.

73. The decision has not yet come into force. Regarding the fact that the party to the proceedings exercised his right to file an appeal against the decision of AMO SR, the decision became the subject of review by the second-instance body of the Office - the Council of AMO SR.

2.1.2.3 Issuance of a commitments decision against the company HP Inc Slovakia, s.r.o., in relation to a possible vertical agreement restricting competition

74. The Division of Abuse of Dominant Position and Vertical Agreements of the Antimonopoly Office of the Slovak Republic initiated an administrative proceeding against the company HP Inc Slovakia, s.r.o., Bratislava on 11 December 2019. The administrative proceeding was conducted by the Office in the matter of a possible agreement restricting competition in the area of selling original ink and toner cartridges for printing devices, copiers, fax machines or other such devices used for a similar purpose (hereafter „consumable material“) to public sector customers in the territory of the SR.

75. Based on an inspection and a further investigation conducted, the Office preliminarily evaluated that in the given area there might had been applied a vertical agreement restricting competition by the form of market sharing, resp. customers allocation

pursuant to the Article 4 of the Act on Protection of Competition (the Act No. 136/2001 Coll.), as well as the Article 101 of the Treaty on the Functioning of the European Union.

76. The Office was assessing a conduct, which concerned especially the system of granting both the so-called special discounts to a certain group of retail sellers within the sale of original consumable material to end customers in the public sector in the territory of the SR and the so-called quality/conformity certificates within the framework of public procurements concerning the sale of consumable material in the territory of the SR.

77. In the course of the administrative proceeding in question, the party to the proceeding proposed certain commitments to eliminate competition concerns, which the Office had preliminarily identified in the given case. The Office assessed the proposed commitments, inter alia, through testing and public consultation, as well, while partially modifying the wording of proposed commitments also on the basis of testing.

78. After evaluating all obtained documentation and information, the results of testing of commitments, the circumstances of the given case, as well as business conditions in the area of selling consumable material in the territory of the SR, the Office issued a commitments decision on 10 March 2021, pursuant to the Article 38f of the Act on Protection of Competition (the Act No. 136/2001 Coll).

79. In the context of commitments decision, the Office stated that the accepted commitments suitably and adequately responded to the Office's competition concerns, which it had summarized in the preliminary assessment of the given matter.

80. The decision came into force on 15 March 2021.

2.1.2.4 Upholding a cartel in public procurements carried out through ECS and imposed a fine of over 1 million

81. On 19 May 2021 the Council of the Antimonopoly Office of the SR, after the review of the first-instance decision of AMO SR, the Division of Cartels, No. 2019/DOH/POK/1/39, dated 5 December 2019, issued a decision No. 2021/DOH/POK/R/24, in the matter of agreement restricting competition.

82. In the administrative proceedings, six undertakings were assessed, namely ARTRA, s.r.o., ČECHOVO, s. r. o., JANOLI, s.r.o., JASTA Slovakia, s.r.o., Ing. Jaroslav Marinica – MARINI and PMB Slovakia, s. r. o.

83. The listed undertakings coordinated their procedure when submitting bids for public procurements implemented through the electronic contracting system (ECS) during the period from 12 January 2015 to 28 April 2017.

84. By doing so, they committed an agreement restricting competition, which aimed to limit competition in the area of furniture and medical equipment supplies and in the area of clothing, footwear and textile products in the territory of the SR through the direct or indirect determination of goods prices, market division and coordination of undertakings in public procurement, in a commercial public tender or other similar competition in connection with a public procurement, commercial public tender or other similar competition, which is according to the Act on Protection of Competition (the Article 4 Paragraph 1 in connection with the Article 4 Paragraph 4 letters a) , c) and f) of the Act No. 136/2001 Coll.) prohibited.

85. The Council of AMO SR confirmed the substantive correctness of findings of the first-instance body, as well as the legal assessment.

86. However, it removed the deficiencies in the sentence of the first-instance decision and adjusted the amount of fines imposed, as follows:

- on undertaking ARTRA, s.r.o.;; EUR 900 069,
- on undertaking ČECHOVO, s. r. o.;; EUR 8 621,
- on undertaking JANOLI, s.r.o.;; EUR 162 247,
- on undertaking JASTA Slovakia, s.r.o.;; EUR 10 807,
- on undertaking Ing. Jaroslav Marinica – MARINI: EUR 12 455 and
- on undertaking PMB Slovakia, s. r. o.;; EUR 50 236.

87. At the same time, all the participants to the proceedings were banned from participating in public procurement for a period of three years from the final decision. The decision of the Council of AMO SR entered into force on 31 May 2021. The participants to the proceedings could request the court's review of the decision.

2.1.2.5 Upholding AMO SR's decision to impose a fine of over EUR 330 000 on the undertaking Slovenská pošta, a.s., for breaching an obligation established by the Act

88. The Council of the Antimonopoly Office of the SR by a decision No. 2021/NPI/POK/R/71 dated 16 December 2021 upheld the first-instance decision of AMO SR, the Division of Abuse of Dominant Position and Vertical Agreements, No. 2020/NPI/POK/2/25 dated 26 October 2020.

89. By the first-instance decision, AMO SR according to the Article 38a Paragraph 1 Letter a) of the Act No. 136/2001 Coll. on Protection of Competition imposed a fine in the amount of EUR 330 867 on the undertaking Slovenská pošta, a.s., for a failure to submit required documentation and information within the time-limit set by the Office and for the submission of false information, whereby the undertaking breached an obligation established by the Article 22 Paragraph 2 of the Act No. 136/2001 Coll.

90. The Council of AMO SR confirmed the substantive correctness of findings of the first-instance body of the Office, as well as the legal assessment of factual state and the amount of imposed fine. The decision of the Council of AMO SR entered into force on 22 December 2021. The party to the proceedings could request a court's review of the decision.

2.2. Mergers and acquisitions

2.2.1. Statistics

91. In the area of merger control, the Division of Concentrations issued a total of 35 decisions in 2021, while 34 of them came into force in the same year and 1 of the decisions in the following year.

92. Out of the total number of decisions issued, the Office approved a merger by 32 decisions, it approved a merger with conditions and obligations by 1 decision and the Office stopped an administrative proceedings by 2 decisions, because in 1 of these administrative proceedings there was no reason for proceeding due to the failure to fulfill turnover criteria for assessing the merger, and during the next 1 administrative proceedings on the assessment of merger, the participants to the proceedings took their proposal to initiate proceedings in full extend back.

93. Last year, the establishment of a new Act on Protection of Competition - the Act No. 187/2021 Coll., which entered into force on 1 June 2021 enabled the Office to streamline and speed up the merger assessment process. The aforementioned Act enshrined

the institute of issuing a decision in simple cases of mergers without justification. In 2021 AMO SR used the option of issuing a consent decision without justification in 7 cases of mergers, which it evaluated as non-problematic, or assessed that they do not distort competition.

Table 12. Overview of decisions on the assessment of mergers

Issued decisions	within 1 st instance proceedings: 35
Institute of issuing decision without justification applied	in 7 cases of mergers
Coming into force in 2021	34 decisions
Coming into force in 2022	1 decision

94. Last year, the Division of Concentrations conducted a total of 40 administrative proceedings. It is the total number of administrative proceedings (excluding administrative proceedings on the refund of a fee). Out of this number of administrative proceedings, the Office started 34 administrative proceedings in 2021 and 6 administrative proceedings it started in previous years. At the same time, out of the mentioned total number of administrative proceedings, the Office closed 37 administrative proceedings in 2021, and the conduction of 3 administrative proceedings was transferred to 2022.

95. In the framework of pre-notification contacts, the Office dealt with almost 50 cases. Some of them subsequently resulted in the notification of a merger, in several cases the need for notification of a merger was not identified, due to the fact that either in a given case the transaction did not meet the definition of merger or the turnovers of the parties to the merger were lower than thresholds established by law.

Table 13. Overview of other activities in the field of merger control within the 1st-instance

Administrative proceedings	<ul style="list-style-type: none"> initiated in 2021: 34 conducted in 2021 altogether (including those initiated in previous years): 40
Cases dealt within pre-notification contacts	almost 50 cases

96. In 2021, the Division of Concentrations of AMO SR issued the highest number of decisions and conducted the highest number of administrative proceedings over the past 5 years. On the contrary, in the previous year, i. e. 2020 AMO SR recorded a lower activity of undertakings in relation to mergers and acquisitions, which was probably influenced by the consequences of the COVID-19 pandemic.

2.2.2. Summary of significant cases

2.2.2.1 Approval of merger of undertakings *Ing. Patrik Tkáč, Ladislav Bödök, Panta Rhei, s.r.o., CANNEL EQUITY LIMITED, Ing. Igor Mrva and IKAR, a.s., with conditions*

97. On 4 June 2021 the Division of Concentrations of the Antimonopoly Office of the Slovak Republic with conditions approved a merger grounded in the acquisition of

- joint control of the undertakings Ing. Patrik Tkáč, Bratislava, the SR and Ladislav Bödök, Veľký Meder, the SR over the undertaking Panta Rhei, s.r.o., Veľký Meder, the SR (hereafter „Panta Rhei“) by the means of acquiring the control of the undertaking Ing. Patrik Tkáč over the company CANNEL EQUITY LIMITED, Nicosia, Cyprus and
- joint control of the undertakings Ing. Patrik Tkáč, Bratislava, the SR, Ladislav Bödök, Veľký Meder, the SR and Ing. Igor Mrva, Bratislava, the SR over the undertaking IKAR, a.s., Bratislava, the SR (hereafter „IKAR“).

98. The transactions in question were evaluated as mutually contingent. By the means of jointly controlling undertakings they involve connecting the companies Panta Rhei and IKAR.

99. In the case in question, the Office assessed particularly the vertical effects of the merger resulting from the position of IKAR as the publisher and the wholesale supplier of books to specialist shops (bookstores) and the position of Panta Rhei as the retailer of books. The Office relied mainly on the information provided in the merger notification and its amendments, as well as on the information and documentation submitted in the survey among suppliers, customers and competitors at the particular levels of book market.

100. The result of assessment was the expression of competition concerns on the part of the Office, namely in a relationship

- to reducing the possibility for publishers without their own distribution to choose a wholesale distributor through which they will supply printed books to Panta Rhei, resp. to narrowing this possibility to IKAR - this could limit the access of competing wholesale distributors to book production by publishers which do not have their own distribution, thereby to reducing the ability of these wholesale distributors to exert competitive pressure on IKAR and ultimately reducing the intensity of competition in wholesale book distribution in the SR; this concern did not apply to book publishers which have their own distribution;
- of the possible advantage of Panta Rhei as the retailer of books compared to its competitors by the side of IKAR as the wholesale supplier of printed books, which would lead to significant barriers to competition in relevant market in the area of retail sale of ordinary books in the SR.

101. In response to competition concerns expressed, the parties to the proceeding submitted to the Office the proposal of behavioural conditions and obligations to ensure the compliance of the merger with the conditions of competition. Also after carrying out the survey, the Office stated that the proposed conditions and related obligations are appropriate and proportionate to remove the competition concerns. In order to ensure that the merger would not significantly impede effective competition in relevant market, the Office, on the basis of final proposal of conditions and obligations submitted by the parties to the administrative proceeding, imposed conditions and related obligations in its decision.

102. One of the obligations imposed by the Office on the participants to the administrative proceedings is the appointment of a monitoring administrator who will supervise compliance with the conditions and obligations related to the merger, imposed by the decision.

103. The monitoring administrator can be contacted by an entity that supposes that the merging parties did not act in accordance with the imposed conditions and obligations as they were bound by the decision on the merger.

104. The fact that the parties to the proceeding commit themselves to certain conduct does not mean that they are not allowed to take any business decisions, but that they must take them in such a way as to comply with the principles set out in the conditions, namely especially the non-discriminatory principle. For the avoidance of any doubt in this respect, the parties to the proceeding also submitted, in the context of final proposal of conditions, the additional explanation of conditions, which is a part of statement of reasons for the decision. It is necessary to emphasize that the explanations do not modify the conditions in any way, they are only applicable while currently maintaining obligations and principles set out within the conditions.

105. The public version of wording of conditions and related obligations imposed by the decision of the Office, as well as the contact details of monitoring administrator, are permanently available on the website of the Office in the section Imposed conditions and relevant contact.

106. A more detailed explanation of decision on the approval of merger with conditions is available on the Office's website in the extended press release that the Office issued on the case of the given merger.

107. Decision came into force on 30 Jun 2021.

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

108. The Office also pays due attention to competition advocacy activities, as it recognizes their contribution to the development and the promotion of a fair competitive environment.

109. The wide range of the Office's competition advocacy activities are represented, for instance, by sending comments on proposals submitted to inter-ministerial comment procedures, providing opinions, direct addressing of stakeholders concerned, the presentation of various initiative materials, as well as the organization of professional seminars and conferences or communication with the public and the representatives of mass media.

3.1. New wording of the Act on Protection of Competition and the revision of legal regulations

110. Also during 2021, the Antimonopoly Office of the SR dealt with the legislative process of drafting the new wording of the Act on Protection of Competition.

111. Since there came to a change in the area of drafting acts, the office cooperated with the legislation department of other central state administration bodies of the Government Office of the SR during the legislative process.

112. At the same time, in 2021, the Office of the Government of the SR, in coordination with the Antimonopoly Office of the SR, initiated the process of inter-ministerial commenting on related implementing regulations. The public could send their comments through the portal Slo-Lex.

113. On 1 June 2021, the Act No. 187/2021 Coll. On Protection of Competition and on Amendments to Certain Acts. Along with the entry into force of the Act No. 187/2021 Coll. the following implementing regulations of the Office also entered into force:

- Decree of the Antimonopoly Office of the Slovak Republic No. 188/2021 Coll., which establishes threshold values for determining whether an agreement between

undertakings, a concerted procedure by undertakings or a decision by the association of undertakings has a negligible effect on competition

- Decree of the Antimonopoly Office of the Slovak Republic No. 189/2021 Coll., which establishes the requirements for merger notification
- Decree of the Antimonopoly Office of the Slovak Republic No. 190/2021 Coll. on the remuneration of member of the Council of the Antimonopoly Office of the Slovak Republic
- Decree of the Antimonopoly Office of the Slovak Republic No. 191/2021 Coll., which establishes the details of leniency programme
- Decree of the Antimonopoly Office of the Slovak Republic No. 192/2021 Coll., which establishes the details of settlement conditions

114. Following the adoption of the Act No. 187/2021 Coll. and related implementing regulations, the Office also revised several guidelines and documents published on the website of the Office.

115. The Act No. 187/2021 Coll. transposed the Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (ECN+ Directive) into the Slovak legal system. The ECN+ Directive, which is supposed to contribute to closer and more effective cooperation between the authorities for the protection of competition, was obliged to be transposed into national legislation by all EU member states.

3.2. Inter-ministerial comment procedures and the Office's statements

116. In 2021, the Office sent comments on 61 materials submitted in the inter-ministerial comment procedure. It sent only fundamental comments to 6 proposals, recommendations to 46 proposals and it sent both fundamental comments and recommendations simultaneously to 9 proposals. Therefore, the Office had fundamental comments on 15 materials - this number includes comments made from the point of view of competition protection, as well as comments outside this framework.

117. The Office's comments concerned, for example, the proposals of the National Concept of Informatization of Public Administration of the SR, the National Programme of Active Aging for the Years 2021-2030, the Act on Electronic Communications, the Act on the Pan-European Personal Pension Product, the Act on the Categorization of Institutional Health Care, the Act on the Establishment of Administrative Courts, the Act on Public Procurement, the Act on Support during Short-Time Work, the Act on the Protection of Whistleblowers of Anti-Social Activities, the Act on Screening Foreign Investments.

118. In terms of state aid, the Office raised a number of comments on proposals of materials for providing investment aid to various entities, proposals of the Recovery and Resilience Plan of the SR, the Implementation System of the Recovery and Resilience Plan of the SR, the Act on the Mechanism to Support Recovery and Resilience, the Action Plan for the Development of Family Businesses in Slovakia, Parliamentary Proposal of the Act on the Issuance of an Act on the Support of State Rental Housing.

119. More detailed information about these comments, as well as others, is available in the Office's Competition Newsletter on the Office's website www.antimon.gov.sk or on the portal www.slov-lex.sk.

3.3. Advocacy letters of the Office on the solution of competition problems

120. In addition to the standard commenting on the upcoming legislation as part of the interministerial commenting procedure, the Office proactively alerts state authorities and municipalities to possible problems in the area of already valid and effective legislation (in a broader sense, i. e. not only laws, but also any other legislative texts or rules created these subjects), which it noticed in the course of its activity. The aim of these activities of the Office is to change the rules in the favour of competition, and thus ultimately in favour of the consumer.

121. Last year it also dealt with solving competition problems. With the intention of eliminating competition problems or preventing their emergence in the future, the Office addressed several advocacy letters to the authorities of state administration and self-government of the SR. The advocacy letters concerned the following issues:

- restriction of activities of certain categories of retail establishments during the COVID-19 pandemic,
- determining the length of opening hours of certain types of businesses in Bratislava - Old Town district,
- price regulation in the field of area distribution systems,
- specification of gabions for public sector contracts,
- announced proposals for changes to European legislation in the field of common agricultural policy.

122. Since the Office's cooperation with state administration and self-government bodies in the SR appears to be effective and beneficial even in solving problems or concerns from the point of view of competition, the Office is interested in continuing it in case other problematic areas are identified.

3.4. Professional discussion on the proposal of the Office's prioritization policy

123. In connection with the entry into force of the Act No. 187/2021 Coll. and the adoption of provision on prioritization policy (the Article 16 of the Act), the Office processed a proposal of the updated wording of its prioritization policy, which was the subject of a professional discussion with the public during the months of May and June 2021, and at the same time the Office established its prioritization commission.

124. At the end of May 2021, the Office, through a call for professional discussion, provided an opportunity for both the professional and the lay public to submit possible proposals and comments on the proposal for applying the prioritization policy within the Office's activities and on the proposal of statute and rules of procedure of the prioritization commission. The Office sent out details to the public and at the same time published them on its website through a call for professional discussion.

125. The Office published the document entitled [Prioritization policy of the Antimonopoly Office of the Slovak Republic](#) on its website in the section Prioritization policy of the Office in June 2021. In the updated version of its prioritization policy, the Office took into account, among other things, stimulating proposals and comments that it received from the public during the months of May and June 2021 as part of the professional discussion.

3.5. International cooperation

126. At the international level, during last year 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.

127. These were, in particular, the ECN (European Competition Network), the OECD (Organization for Economic Development and Cooperation), in the framework of which the Office regularly participates in meetings and it also contributes to discussions. In 2021, many meetings were held by online form. The Office also develops bilateral relations and cooperation with offices located in Europe, which with it exchanges knowledge, experience and practices.

128. 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 ongoing COVID-19 pandemic, the cooperation and the exchange of experiences were even more necessary.

129. As part of European competition legislation, a proposal for a regulation on foreign subsidies distorting internal market (hereafter „proposal of regulation on foreign subsidies“) was presented in 2021, which together with a proposal for a regulation on competitive and fair markets in digital sector (the Digital Markets Act, hereafter „DMA“) represented the basis of programme of frequent negotiations in the working group of the EU Council for Economic Competition. Negotiations on both proposals were subsequently completed in 2022 with an agreement in trialogues. The Office was responsible for the proposal of regulation on foreign subsidies, while cooperating with other co-sponsors, the Ministry of Economy of the SR, the Ministry of Finance of the SR and the Office for Public Procurement, as the proposal covers several areas.

130. The proposal of regulation on foreign subsidies presents solutions for the disruptive effects of subsidies provided by public authorities of the third country to companies performing economic activity within the internal market. The proposed legislation complements EU state aid rules, which deal with similar distortions in internal market, but caused by subsidies from EU member states. The regulation regulates the exclusive authority of the European Commission to review any foreign subsidy to the extent specified in the draft regulation, while regulating financial limits. It also establishes rules for the area of mergers and public procurement, in connection with which the Commission will have the authority to review transactions and procurements in the case of foreign subsidies reaching set financial limits. Member States will have the obligation to provide cooperation to the European Commission in selected areas.

131. For the area of DMA, although the Office was not responsible for the proposal, it followed the progress of the negotiations, as it also has certain obligations arising from the regulation. It is also expected that the adoption of the DMA will also require legislative changes. The purpose of the DMA Regulation is to contribute to the proper functioning of internal market by laying down rules to ensure competitiveness and fairness for digital sector markets in general, and in particular for commercial as well as end-users of essential platform services provided by so-called gatekeepers.

3.6. Public relations and raising competition awareness

132. Also in 2021, the Antimonopoly Office of the Slovak Republic continued its efforts to create and maintain positive relations with the professional and the lay public. It promoted the development of favourable external relations through communication activities.

133. The Office actively sought to present the work and the outcomes of the Office, but also to raise the awareness of competition rules and the benefits of a fair competitive environment.

134. Also during last year it focused its communication towards various groups of population, e. g. on undertakings, the representatives of state and local administration authorities or self-government of interest, the academic community and, last but not least, on experts from foreign competition institutions and mass media.

3.6.1. New website design

135. Since 1 December 2021 the Antimonopoly Office of the Slovak Republic (hereafter “the Office”) has been having its new [website www.antimon.gov.sk](http://www.antimon.gov.sk). Through this website, it will continue to publish information on significant activities in the field of competition protection and state aid coordination.

136. After 8 years of operating its previous website, it has undergone mainly a visual change.

137. From the visual point of view, the Office applied the [Uniform Design Manual of Electronic Services](#) on its new website, which was released by the Ministry of Investment, Regional Development and Informatization of the Slovak Republic via the website. The Office believes that due to the focus of design manual the Office’s new website will contribute to unifying user interfaces and communication methods in providing electronic services in Slovakia, as the requirement to unify electronic services follows from the National Concept of Public Administration Informatization from 2016.

138. By using this new website, the Office expresses its effort to facilitate public access to necessary information concerning the fields of its competence.

139. At the same time, through its website, the Office can continue raising the public awareness of importance of competition and the necessity of complying with its rules.

3.6.2. Mass media outcomes

140. Also last year, one of mass media outcomes of the Antimonopoly Office of the SR were press releases, which it published on its [website www.antimon.gov.sk](http://www.antimon.gov.sk) and distributed to mass media representatives and other stakeholders.

141. Last year, the Antimonopoly Office of the SR issued the most press releases for the entire period of its existence. In 2021, the Antimonopoly Office of the SR issued 117 press releases related to the protection of competition and the coordination of state aid. In 2021, the Office processed and provided 102 written responses or opinions to mass media representatives, mostly in Slovakia.

3.6.3. Conferences and seminars

142. The Office positively perceives the participation of its representatives and delegates in events, because also such an activity influences developing the public awareness of importance of competition or of benefits resulting from compliance with its rules and from the effectively functioning competitive environment. Various professional conferences, forums, seminars and other educational activities are an opportunity for the Office to present especially its attitudes, experience and knowledge in relation to current competition law issues, but also its significant outcomes, as well as to explain competition protection rules. As lecturers, resp. panellists, they are invited to events organized predominantly by competition authorities in European countries, state and local administration bodies in the SR, professional educational institutions and other organizations.

143. The Office also annually organizes an international conference dedicated to current trends in Slovak and European competition law. The conference contributes to raising the awareness of importance of competition law and of the benefits of competition. Its guests can exchange both views on current situation in the field of competition as well as experience, especially with experts in competition law from Slovak and European institutions. The international conference on current trends in competition law was held regularly in May until the outbreak of the COVID-19 disease. Nor in 2020 nether in 2021 the conference took place due to the unfavourable epidemic situation and anti-epidemic measures that were taken in the territory of the SR due to the declaration of a state of emergency and the pandemic of the disease COVID-19.

144. In 2021, the Office supported the international St. Martin's Conference with its participation. The Office for the Protection of Competition in the Czech Republic organized it on 10 and 11 November 2021 in Brno, for the 14th year in a row.

145. Last year, the representatives of the Office were raising the public awareness of the areas of the Office's competence within the framework of several training activities.

146. A total of 4 training activities on the rules for competition protection and anti-competitive practices in PP were led by the representatives of AMO SR, also depending on the current anti-pandemic measures.

147. In the field of state aid, the representatives of AMO SR conducted 18 training activities, held 138 working meetings, several meetings and telephone consultations, especially with the representatives of aid providers.

148. In December 2021, the Antimonopoly Office of the SR, being addressed by a partner office for the protection of competition in Montenegro, opened a series of several professionally focused webinars to introduce its representatives to the Office's activities and provide them with own experience in the field of competition.

3.6.4. Publishing activity

149. The newsletter Competition Bulletin is one of published outcomes of the Antimonopoly Office of the Slovak Republic. Last year the Office was publishing it already for the 13th year. For a long time, the Office summarizes its important activities on a quarterly basis through the Competition Bulletin, thus providing the public with an insight into current events in the field of competition and aid coordination. Also last year, the Office published the editions of the Competition Bulletin on its website in the Competition Bulletin section. It thus brought to the public the summary of news about issued decisions, initiated administrative proceedings, activities within the framework of competition advocacy, as well as about other important results of the Office. He did not miss even brief news about the activities of the European Commission and other competition institutions abroad.

150. Also in 2021, after preparing the Report of the Antimonopoly Office of the SR on activities for 2020 and submitting it to the Office of the Government of the SR, the Office published its annual report of the past year and made it available on its website - in the section Annual Reports. In addition to the overview of the Office's activities in 2020, it also introduced its main tasks it had planned for 2021, as well as it evaluated the several years' development of its activities in the individual fields of its activity.

151. The Office continued publishing its valid decisions and announcements on the initiation of administrative proceedings on the portal of Business Journal and also on the Office's website (available in Slovak).

152. In June 2021 the Office published a document entitled Prioritization policy of the Antimonopoly Office of the Slovak Republic on its website. In the document, the Office updated the wording of application of its prioritization policy in connection with the entry into force of the new wording of the Act on Protection of Competition - the Act No. 187/2021 Coll. The publication of the given document was preceded by a professional discussion with the general public during the months of May and June 2021. In the updated wording of prioritization policy of its activity, the Office also took into account the stimulating proposals and comments received from the public as part of the professional discussion. We provided more details in the section 4.6.4 Professional discussion on the proposal of the Office's prioritization policy.

153. At the same time, in connection with the entry into force of the Act No. 187/2021 Coll. and related implementing regulations, the Office revised the wording of several of its methodological guidelines and instructions in the area of antitrust and merger control. In 2021, the Office published the revised versions of following guidelines and instructions on its website:

- Target vertical agreements from the point of view of the Antimonopoly Office of the SR,
- Guidance on the competence of AMO SR to carry out inspections,
- Commitments (modification of the procedure of the Antimonopoly Office of the SR according to the Article 33 of the Act),
- Guidance of the Antimonopoly Office of the SR on the details of simplified merger notification,
- Guidelines of the Antimonopoly Office of the SR regarding the identification of participants to a merger,
- Guidance on the restrictions of competition, which are directly related to merger and are necessary for its implementation,
- Guidance on the details of granting an exemption from the prohibition to implement a merger,
- Guidance on pre-notification contacts in merger assessment process.

154. Last year, the Office also published the revised version of the Methodological Guideline regulating administrative and technical conditions for access to files and the preparation of extracts, transcripts and copies thereof for participants to proceedings and their representatives, or other authorized persons, which mainly concerns the technical security of access to files. The Office processed and published the first version of the methodological guideline in question in 2018, in connection with the electronic exercise of public power and with regard to the long-term practice of the Office in the given area.

155. The Office makes all guidelines and instructions available on its website in the section Guidelines and instructions of the Office (soft law).

156. Last year, AMO SR cooperated in the processing of methodological guidelines for the Office of Public Procurement related to the procurement of original toner cartridges for printers. General methodological guideline No. 1-2021 on the application of certain requirements in the procurement of „original“ toner cartridges - printing consumables was published on the website of the Office for Public Procurement based on the knowledge of both institutions obtained through their own activities.

157. During the year, the Office's employees contributed to professional discussions within the European Competition Network, professional domestic and foreign forums. They provide their articles, experiences and opinions for publication in professional journals and other types of media focused on law and competition issues, including e. g. magazine on public procurement, Antitrust, newspapers on law, Global Competition Review, PaRR Global, MLex.

3.6.5. Cooperation with universities and state administration authorities of the SR

158. The Office maintains a long-term cooperation with universities in Slovakia, especially with their faculties focused on law and economics. The Office recognizes the benefit of such cooperation for the development of competition culture and improving the awareness of competition issue.

159. The Office cooperates with universities in accordance with memoranda on mutual cooperation, which it has concluded with the Faculty of Law of Comenius University in Bratislava, the Faculty of Law of Trnava University in Trnava and the University of Economics in Bratislava.

160. The Office enables the students of the mentioned universities and faculties, e. g. by attending a short-term internship programme at the Office or professional consultations with the Office's employees, to increase their level of knowledge of the Office's activities as a central state administration body for the protection, promotion of competition and state aid coordination, to gain practical experience, which they can put into practice after ending university study easier.

161. However, mutual cooperation is not grounded only in the field of education of future experts in competition law issues and thus in their better readiness to perform the future profession, but also in the areas of organizing socially beneficial activities as well as scientific, research and advisory activities.

162. In the beginning of 2021 the Office also joined other competition authorities all around the world cooperating in the framework of the project of Codex Center for Legal Informatics at Stanford University in California, the USA. In the project named Computational Antitrust, they focus on the new area of legal informatics. With the interest to streamline the detection, analysis and correction of anti-competitive practices, they work together to create and improve automated calculation methods for the application of anti-monopoly policy. In addition to research activities, they are also engaged in publishing and educational activities.

163. At the same time, the Office maintains cooperation in the matters of common public interest with state administration bodies of the SR in accordance with concluded agreements on mutual cooperation. They cover the provision of documentation, the exchange of information and knowledge, the submission of complaints and referrals, as well as the realisation of expert meetings, consultations, schooling activities, as well as processing statements and preparing legislation amendments aimed at streamlining law enforcement.

164. Also during working meetings e. g. with the representatives and delegates of state and local administration authorities of the SR, with undertakings or experts from other competition authorities the Office tries to enforce a healthy competitive environment so that the compliance with competition rules was beneficial for consumers and undertakings.

4. RESOURCES OF COMPETITION AUTHORITY

4.1. Resources overall

Table 14. Annual budget

	2021	Change over previous year
Total expenses	3 316 470,60	<ul style="list-style-type: none"> • 230 201,66 EUR • 223 714,58 USD

165. For the year 2021, expenditures of the chapter totalling EUR 2 944 408 were approved and by implemented budgetary measures they were adjusted to EUR 3 316 991,56. 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 Ministry of Investments, Regional Development and Informatization of the SR in 2021. The budgetary measures were implemented based on the approval of the Ministry of Finance of the SR and they were associated mainly with the approved requests for the payment of the Ministry of Investments, Regional Development and Informatization of the SR to projects within the Operational Programme Technical Assistance, due to the fulfilment of Addendum no. 1 to the collective agreement of a higher level in the civil service for the year 2021 and Addendum no. 1 to the Collective Agreement of a higher level for employers who, in terms of remuneration, proceed according to Act no. 553/2003 Coll. on the remuneration of certain employees for the performance of work in the public interest for the year 2021, by reducing salary requirements in accordance with the Civil Service Act no. 55/2017 Coll. of a civil servant in a public capacity and in connection with the Agreement on the performance of administration and maintenance of the Documentation System between the Ministry of Finance of the SR and AMO SR.

4.2. Human resources

Table 15. Number of employees

	2021	Change over previous year
Economists	23	+1
Lawyers	32	+2
Other professionals	10	-3
Support staff	7	-3
Total	72	-3

Table 16. Human resources

	2021	Change over previous year
Enforcement against anticompetitive practices	21	-1
Merger review enforcement	28	-1
Advocacy efforts	13	0
State aid	10	0

4.3. Period covered by the above information

166. Year 2021