Act

of 16 February 2007

on Competition and Consumer Protection

SECTION I

General provisions

Article 1. 1. This Act lays down the framework for development and protection of competition, and sets out the principles of actions to be undertaken, in the public interest, in order to protect the interests of undertakings and consumers.

2. This Act provides for the principles and procedures applied to counteract competition-restricting practices, practices infringing collective consumer interests, use of abusive clauses in standard agreements, and anti-competitive concentrations of undertakings and their associations, where such practices, use of abusive clauses or concentrations have or may have effects in the Republic of Poland.

3. This Act also specifies the authorities responsible for matters regarding competition and consumer protection.

Article 2. 1. This Act shall be without prejudice to any rights under provisions concerning the protection of intellectual and industrial property, in particular provisions on the protection of inventions, utility and industrial models, topography of integrated circuits, trademarks, geographical indications, copyright and neighbouring rights.

2. The Act shall apply to the following transactions between undertakings:

1) contracts, in particular licences, as well as non-contractual practices concerning the exercise of the rights referred to in paragraph 1 hereof;
2) contracts regarding the following, not disclosed to the general public:
   a) technical or technological information,
   b) principles of organisation and management

- in relation to which measures have been taken to prevent disclosure, where such contracts result in unjustified limitation of the freedom of business activity of the parties or in significant restriction of competition on the market.

Article 3. The provisions of this Act shall not apply to restrictions of competition allowed by virtue of separate provisions.

Article 4. Any reference made in this Act to:

1) an “undertaking” - shall mean an undertaking within the meaning of provisions on freedom of business activity, as well as:
   a) a natural and legal person, as well as an organisational unit without legal personality to which legislation grants legal capacity, organising or rendering public utility services, which do not constitute business activity in the meaning of provisions on freedom of business activity,
   b) a natural person practicing a profession on their own behalf and account or conducting business activity in connection with the practicing of that profession,
   c) a natural person having control, within the meaning of subparagraph 4 hereof, over at least one undertaking, even if the person does not conduct business activity in the meaning of provisions on freedom of business activity, if this person undertakes further actions subject to the control of concentrations, referred to in Article 13,
   d) an association of undertakings within the meaning of subparagraph 2, except for legal provisions regarding concentration;

2) “associations of undertakings” - shall mean chambers, bodies and other organisations in which undertakings referred to in subparagraph 1 affiliate, as well as associations of such organisations;
3) “dominant undertaking” - shall mean an undertaking having control, within the meaning of subparagraph 4, over another undertaking;
3a) “managing person” - shall mean a person administering an undertaking, in particular a person holding a managerial position in an undertaking or belonging to an undertaking’s managing body;
4) “taking control over” - shall mean any form of direct or indirect acquisition by an undertaking of powers which, individually or jointly, taking into account all legal or factual circumstances, enable this undertaking to exert a decisive influence upon another undertaking or other undertakings. Such powers are derived in particular from:
   a) holding directly or indirectly a majority of votes at the meeting of shareholders or general meeting, including in the capacity of a pledgee or usufructuary, or in the management board of another undertaking (dependent undertaking), including based on agreements with other persons,
   b) the right to appoint or recall a majority of members of the management board or supervisory board of another undertaking (dependent undertaking), including based on agreements with other persons,
   c) members of an undertaking’s management board or supervisory board constituting more than half of the members of another undertaking’s (dependent undertaking’s) management board,
   d) holding directly or indirectly a majority of votes in a dependent partnership or at a dependent cooperative’s general meeting, including on the basis of agreements with other parties,
   e) holding title to the entire or a part of the property of another undertaking (dependent undertaking),
   f) a contract which envisages managing another undertaking (dependent undertaking) or such undertaking transferring its profits;
5) "agreements" shall mean:
   a) agreements concluded between undertakings, between associations thereof and between undertakings and their associations, or certain provisions of such agreements,
   b) concerted practices undertaken in any form by two or more undertakings or associations thereof,
   c) resolutions or other acts of associations of undertakings or their statutory bodies;
6) (repealed)
7) "goods” - shall mean items as well as energy, securities and other property rights, services, and also construction works;
8) "prices” - shall mean prices and charges equivalent to prices, trade margins, commissions and mark-ups;
9) "relevant market” - shall mean a market of goods which by reason of their intended use, price and characteristics, including quality, are regarded by the buyers as substitutes, and are offered in the area in which, by reason of the nature and characteristics of such goods, the existence of market barriers, consumer preferences, significant differences in prices and transport costs, the conditions of competition are sufficiently homogeneous;
10) "dominant position” - shall mean an undertaking’s market position which allows it to prevent effective competition in a relevant market by enabling it to act to a significant degree independently of its competitors, contracting parties and consumers; it is assumed that an undertaking holds a dominant position if its market share in the relevant market exceeds 40%;
11) "competitors” - shall mean undertakings that place or may place goods on the relevant

market , or that purchase or may purchase goods in the relevant market at the same time;
12) “consumer” - shall mean a consumer within the meaning of the Act of 23 April 1964 - Civil Code (Journal of Laws No. 16, item 93, as amended);
13) “consumer organisations” - shall mean social organisations independent of undertakings and of associations thereof, whose statutory tasks include the protection of consumer interests; consumer organisations may conduct business activity according to generally applicable rules, provided that the income from the activity is used solely to finance the organisations’ statutory tasks;
14) "capital group” - shall mean all undertakings controlled directly or indirectly by a single undertaking, including that undertaking;
15) (repealed)
16) "average salary” shall mean the average monthly salary in the business sector for the last month of the quarter preceding the day of issuance of a decision by the President of the Office of Competition and Consumer Protection, published by the President of the Central Statistical Office pursuant to separate provisions;
16a) “financial year” - shall mean a financial year within the meaning of Article 3 paragraph 1 subparagraph 9 of the Act of 29 September 1994 on Accountancy (Journal of Laws of 2013, items 330 and 613 and of 2014 item 768);
17) “business secret” - shall mean a business secret as defined in Article 11 paragraph 4 of the Act of 16 April 1993 on Combating Unfair Competition (Journal of Laws of 2003 No. 153, item 1503, as amended);
18) “President of the Office” - shall mean the President of the Office of Competition and Consumer Protection;
19) (repealed)
20) “Regulation No. 1/2003/EC” shall mean Council Regulation No. 1/2003/EC of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Official Journal EU L 1 of 4.01.2003, p. 1; Official Journal EU Polish special edition, chapter 08, volume 02, p. 205);
21) “Regulation No. 139/2004/EC” shall mean Council Regulation No. 139/2004/EC of 20 January 2004 on the control of concentrations between undertakings (Official Journal of The European Union, L 024 of 29.01.2004, p.1, Official Journal EU Polish special edition, chapter 08, volume 03, p. 40).);
22) “Regulation No. 2006/2004/EC” - shall mean Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the “Regulation on Consumer Protection Cooperation”) (Official Journal EU L 364 of 9.12.2004).

Article 5. Conversion of Euro and other foreign currencies into Polish zlotys, as well as conversion of Polish zlotys into Euro, shall be performed according to the average rates of foreign currencies published by the National Bank of Poland on the last day of the calendar year preceding the year in which the intent to concentrate is notified or a fine imposed.

SECTION II

Prohibition of competition-restricting practices

Chapter 1

Prohibition of competition-restricting agreements

Article 6. 1. Agreements which have as their object or effect elimination, restriction or any other form of infringement of competition on the relevant market shall be prohibited, in particular those consisting in:

1) fixing, directly or indirectly, prices and other trading conditions;
2) limiting or controlling production or sale as well as technical development or investments;
3) dividing sale and purchase markets;
4) applying onerous or inconsistent contractual terms and conditions to equivalent agreements with third parties, thus creating diversified conditions of competition for those parties;
5) making conclusion of an agreement subject to acceptance or fulfilment by the other party of some other performance which is not linked in material or customary terms with the subject matter of the agreement;
6) limiting access to the market or eliminating from the market undertakings which are not parties to the agreement;
7) collusion between undertakings entering a tender, or by those undertakings and the undertaking being the tender organiser, of the terms and conditions of bids to be proposed, particularly as regards the scope of works and the price.

2. The agreements referred to in paragraph 1 shall be in their entirety or in the respective part void, subject to Articles 7 and 8.

Article 6a. Where an undertaking is found to be in breach of the prohibitions referred to in Article 6 paragraph 1 subparagraphs 1-6 of the Act or in Article 101 paragraph 1 subparagraphs a-e of the Treaty on the Functioning of the European Union, hereinafter referred to as "TFEU", a managing person, who - in connection with performing his function at the time of the ascertained infringement of the prohibitions concerned - intentionally allowed, through action or omission, infringement of such prohibitions by the undertaking, shall also be subject to liability.

Article 7. 1. The prohibition referred to in Article 6 paragraph 1 shall not apply to agreements concluded between:

1) competitors - provided that their combined share in the relevant market covered by the agreement does not exceed 5%;
2) non-competing undertakings - provided that none of them has a share exceeding 10% in the relevant market covered by the agreement.

2. The prohibition referred to in Article 6 paragraph 1 shall also not apply where the shares in the relevant market, as defined in paragraph 1, are not exceeded by more than two percentage points during two consecutive calendar years while the agreement concerned is in effect**.**

3. The provisions of paragraphs 1 and 2 shall not apply to cases specified in Article 6, paragraph 1, subparagraphs 1 to 3 and subparagraph 7.

Article 8. 1 The prohibition referred to in Article 6, paragraph 1 shall not apply to agreements which at the same time:

1) contribute to improvement of the production, distribution of goods or to technical or economic progress;
2) allow the buyer or user a fair share of the resultant benefits;
3) do not impose upon the undertakings concerned such impediments which are not indispensable to the attainment of these objectives;
4) do not afford these undertakings the possibility to eliminate competition in the relevant market in respect of a substantial portion of the goods in question;

2. The burden of proof with respect to the circumstances referred to in paragraph 1 shall rest with the undertaking concerned.

3. The Council of Ministers may, by way of a regulation, make exempt from the prohibition referred to in Article 6, paragraph 1, certain types of agreements which meet the conditions described in paragraph 1 above, taking into consideration the benefits resulting from such types

of agreements. In the regulation, the Council of Ministers shall specify:

1) the conditions that must be satisfied for the agreement to be considered exempt from the prohibition;
2) clauses the insertion of which in the agreement is an infringement of Article 6;
3) the period for which the exemption shall apply

and may specify clauses the existence of which in the agreement is not considered an infringement of Article 6.

Chapter 2

Prohibition of abuse of a dominant position

Article 9. 1 The abuse of a dominant position in the relevant market by one or more undertakings shall be prohibited.

2. The abuse of a dominant position may, in particular consist in:

1) direct or indirect imposition of unfair prices, including excessive or predatory pricing, long time limits for payment or other trading conditions;
2) limiting production, sale or technological progress to the detriment of contracting parties or consumers;
3) applying onerous or inconsistent contractual terms and conditions to equivalent agreements with third parties, thus creating diversified conditions of competition for those parties;
4) making conclusion of an agreement subject to acceptance or fulfilment by the other party of supplementary obligations which are not linked in material or customary terms with the subject matter of the agreement;
5) counteracting formation of conditions necessary for the emergence or development of competition;
6) imposition by an undertaking of onerous contractual terms and conditions, yielding to this undertaking unjustified benefits;
7) dividing the market according to territorial, product, or entity-related criteria.

2. Legal transactions which constitute abuse of a dominant position shall be in their entirety or in the respective part void.

Chapter 3

Decisions concerning competition-restricting practices

Article 10. 1. The President of the Office shall issue a decision recognising a practice as restricting competition if he finds an infringement of the prohibitions specified in Articles 6 or 9 of the Act, or in Articles 101 or 102 of the TFEU.

2. In the decision referred to in paragraph 1 the President of the Office shall order the practice infringing the prohibitions specified in Article 6 or Article 9 of the Act or in Article 101 or 102 of the TFEU to be discontinued, if the practice concerned does not cease before the decision is issued.

3. The burden of proving that a practice infringing the prohibitions specified in Articles 6 or 9 of the Act or in Articles 101 or 102 of TFEU has ceased lies with the undertaking.

4. In the decision referred to in paragraph 1 above, the President of the Office may order, in order for a practice to cease or in order to remedy the effects of that practice, application of measures, in particular:

1) granting an intellectual property rights licence upon non-discriminatory conditions;
2) enabling access to specific infrastructure upon non-discriminatory conditions;
3) amending a contract;
4) guaranteeing other entities supply of specific products or rendering specific services upon

non-discriminatory conditions.

5. Where the measures referred to in paragraph 4 above might turn out to be ineffective, or effective but more onerous for an undertaking, the President of the Office may, in the decision referred to in paragraph 1, order that a measure be taken in the form of entrusting particular entities within a capital group, or separate organisational units within an undertaking's structure, with performance of specific business activity, including performance thereof at different levels of trade.

6. The measures referred to in paragraphs 4 and 5 should be proportionate to the severity and nature of the infringement and necessary to bring the infringement to an end or to remedy the consequences thereof.

7. Prior to issue of a decision ordering application of the measures referred to in paragraphs 4 and 5, the President of the Office shall inform an undertaking of the intent to order specific measures. The undertaking may present its standpoint with respect to the measures to be implemented within 14 days from the date of service of the information**.**

8. In the decision referred to in paragraph 1, the President of the Office may specify the time limit for the taking of measures specified in paragraphs 4 and 5, having regard for the severity and nature of the infringement, as well as the measure applied.

9. If implementation is ordered of the measures described in paragraphs 4 and 5, the President of the Office, in the decision described in paragraph 1, shall order an undertaking to submit, within a specified time limit, information about the extent to which the measures have been implemented.

Article 11. (repealed)

Article 12. 1. Where, in the course of antitrust proceedings, it is rendered plausible – on the basis of the circumstances of a given case, information given in the notification, or information forming the basis for instituting proceedings – that the prohibitions referred to in Article 6 or Article 9 of the Act, or in Articles 101 or 102 of the TFEU have been infringed, whereas the undertaking being charged with having infringed those prohibitions has agreed to take or cease certain actions aimed at ending such infringements or remedying the effects thereof**,** then the President of the Office may, by way of a decision, require the undertaking to fulfil such commitments. Where the undertaking has ceased infringing the prohibitions referred to in Article 6 or Article 9 of the Act or Article 101 or 102 of the TFEU, and agrees to remedy the effects of the infringement, the first sentence shall apply accordingly**.**

2. In the decision referred to in paragraph 1, the President of the Office may set a time limit for fulfilment of the commitments.

3. In the decision referred to in paragraph 1, the President of the Office shall impose upon the undertaking an obligation to provide, within fixed time limits, information regarding the stage of implementation of the commitments.

4. Where the decision referred to in paragraph 1 is issued, Article 10, Article 106, paragraph 1, subparagraphs 1 and 2, and Article 106a, shall not apply, subject to paragraph 7.

5. The President of the Office may revoke the decision referred to in paragraph 1 ex officio, in the event that:

1) the decision was issued on the basis of false, incomplete or misleading information or documents;
2) the undertaking has not implemented commitments or obligations referred to in paragraphs 1 to 3.

6. The President of the Office may, upon the undertaking's consent, acting ex officio, revoke the decision referred to in paragraph 1, where circumstances which were a major consideration in the issuance of the decision have changed.

7. Where the decision is revoked, the President of the Office shall rule on the merits of the case.

Article 12a. The President of the Office may state that the managing person referred to in Article 6a has intentionally, by his/her action or omission, allowed an undertaking's infringement of the prohibitions referred to in Article 6 paragraph 1 subparagraphs 1 to 6 of the Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU, only in the decision referred to in Article 10 paragraph 1, where the decision imposes upon the undertaking the pecuniary penalty referred to in Article 106 paragraph 1 subparagraph 1 or 2**.**

SECTION III

Concentrations of undertakings

Chapter 1

Control of concentration

Article 13. 1. The intent to concentrate is subject to notification submitted to the President of the Office in the case where:

1) the combined worldwide turnover of the undertakings participating in the concentration in the financial year preceding the year of the notification exceeds the equivalent of EUR 1 000 000 000, or
2) the combined turnover of the undertakings participating in the concentration in the territory of the Republic of Poland in the financial year preceding the year of the notification exceeds the equivalent of EUR 50 000 000.

2. The obligation provided for in paragraph 1 concerns the intention:

1) of two or more independent undertakings to merge;
2) of one or more undertakings to take over, by acquiring or taking up stocks, other securities or shares, or otherwise, direct or indirect control over one or more undertakings;
3) of undertakings to create a joint venture;
4) acquisition by an undertaking of a portion of another undertaking's assets (the entirety or part of a business enterprise) if the turnover achieved by way of such assets in either of the two financial years preceding the notification exceeded in the territory of the Republic of Poland the equivalent of EUR 10 000 000.

Article 14. The obligation to notify the intent to concentrate shall not apply where:

1) the turnover of the undertaking over which control is to be taken in accordance with Article 13, paragraph 2, subparagraph 2, did not exceed in the territory of the Republic of Poland in either of the two financial years preceding the notification, the equivalent of EUR 10 000 000;
1a) none of the undertakings referred to in Article 13, paragraph 2, subparagraphs 1 or 3 achieved in the territory of the Republic of Poland, in either of the two financial years preceding the notification, turnover exceeding the equivalent of EUR 10 000 000;
1b) the concentration entails the taking of control over an undertaking or undertakings belonging to the same capital group, and at the same time acquisition of a portion of the assets of the undertaking or undertakings belonging to that capital group - if the turnover of the undertaking or undertakings over which control is to be taken and the turnover generated by the acquired assets did not exceed in total, within the territory of the Republic of Poland, in either of the two financial years preceding the notification, the equivalent of EUR 10 000 000;
2) a financial institution, the normal activities of which include investing in stocks and shares of other undertakings, for its own account or for the account of others, acquires or takes up, on a temporary basis, stocks and shares with a view to reselling them, provided that such

resale takes place within one year from the date of the acquisition or taking up, and that:

a) this institution does not exercise the rights attached to such stocks or shares, except for the right to a dividend, or

b) it exercises such rights solely in order to prepare the resale of the entirety or part of the business enterprise, its assets, or those stocks and shares;

3) the undertaking acquires or takes up, on a temporary basis, stocks and shares with a view to securing debts, provided that such undertaking does not exercise the rights attached to such stocks or shares, except for the right to sell;

4) the concentration occurs as a result of insolvency proceedings, excluding cases where the control is to be taken over or a portion of assets acquired by a competitor or a participant of the capital group to which competitors of the undertaking being acquired or of which assets are being acquired belong;

5) the concentration applies to undertakings participating in the same capital group.

Article 15. A concentration implemented by a dependent undertaking shall be considered as implemented by a dominant undertaking.

Article 16. 1. The turnover referred to in Article 13 paragraph 1 shall include the turnover of undertakings directly participating in the concentration as well as of the other undertakings participating in the capital groups to which the undertakings directly taking part in the concentration belong.

2. In the cases referred to in Article 13 paragraph 2 subparagraphs 2 and 4, the turnover referred to in Article 13 paragraph 1 shall include the turnover of the undertakings taking control over or acquiring a portion of the assets and the other undertakings belonging to the same capital groups as the undertakings taking over control, as well as the turnover generated by the portion of the assets being acquired or by the undertakings over which control is being taken and dependent undertakings thereof.

3. The turnover referred to in Article 13 paragraph 1 shall also include a portion of turnover of the following undertakings:

1) undertakings over which control is exercised by undertakings directly participating in the concentration or by undertakings belonging to the same capital groups as the undertakings directly participating in the concentration, jointly with another undertaking or undertakings - in proportion to the number of the controlling undertakings. Paragraph 1 shall apply accordingly;

2) undertakings which jointly exercise control over the capital group to which the undertaking directly participating in the concentration belongs - in proportion to the number of the controlling undertakings. Subparagraph 1 and paragraph 1 shall apply accordingly**.**

4. The turnover referred to in Article 14, paragraph 1 shall include the turnover of the undertaking to be taken over as well as of its dependent undertakings. If the undertaking to be taken over or dependent undertakings thereof exercise control over the undertaking jointly with another undertaking or undertakings, paragraph 3 subparagraph 1 shall apply accordingly.

5. If concurrently or over a period not exceeding 2 years**:**

1) control is taken over of at least two undertakings belonging to the same capital group - the turnover referred to in Article 14 subparagraph 1 shall include the total turnover of all such undertakings and dependent undertakings thereof;

2) the undertaking acquires a portion of assets of another undertaking or undertakings belonging to the same capital group - the turnover referred to in Article 13 paragraph 2 subparagraph 4 shall include the total turnover generated by all of those portions of assets;

3) control is taken over of an undertaking or undertakings belonging to one capital group and a portion of assets is acquired from the undertaking or undertakings belonging to that capital group - the turnover referred to in Article 14 subparagraph 1b shall include the total

turnover of all undertakings which are being taken over and dependent undertakings thereof, as well as the turnover generated by all the assets being acquired.

Article 17. The Council of Ministers shall specify, by way of an regulation, the method of calculating the turnover for the purpose of determining the obligation to notify the intent to concentrate to the President of the Office, taking into account the specific nature of the activity conducted by undertakings, and accountancy rules applicable to particular categories of undertakings, including banks, insurers and investment funds.

Chapter 2

Decisions on concentrations

Article 18. The President of the Office shall, by way of a decision, consent to a concentration which will not result in significant impediment to competition on the market, in particular by the creation or strengthening of a dominant position on the market.

Article 19. 1. The President of the Office shall, by way of a decision, issue consent to implement a concentration when, upon fulfilment of the conditions specified in paragraph 2 by the undertakings intending to concentrate, competition on the market will not be significantly impeded, in particular by the creation or strengthening of a dominant position on the market.

2. The President of the Office may impose upon an undertaking or undertakings intending to concentrate an obligation, or accept a commitment on their part, in particular:

1) to dispose of the entirety or a portion of the assets of one or more undertakings,
2) to divest control over a specified undertaking or undertakings, in particular by disposing of a specified block of stocks or shares, or to dismiss one or more entrepreneurs from a position on the management or supervisory board,
3) to grant a competitor an exclusive license

- specifying in the decision referred to in paragraph 1 the time limit for meeting the requirements.

3. In the decision referred to in paragraph 1, the President of the Office shall impose upon an undertaking or undertakings an obligation to provide information about fulfilment of such requirements, in a time limit specified in the decision.

4. At the request of an undertaking upon whom the obligation to fulfil the requirements referred to in paragraph 2 has been imposed, the President of the Office shall issue a resolution not to disclose - as long as those requirements are not met, however not beyond the deadline for fulfilling them - the decision referred to in paragraph 1, within the scope regarding the deadline to fulfil such requirements. The resolution of the President of the Office shall not be subject to complaint.

5. In the situation referred to in paragraph 4, the President of the Office shall neither publish nor otherwise disclose the decision, within the scope specified in paragraph 4, to the general public. Within the aforementioned scope the decision must also not be made available under the Act of 6 September 2001 on Access to Public Information (Journal of Laws of 2014, item 782).

6. Issue of the resolution referred to in paragraph 4 shall not release the undertaking from the information obligations determined in separate provisions.

Article 20. 1. The President of the Office shall, by way of a decision, prohibit a concentration which will result in significant impediment of competition on the market, in particular by the creation or strengthening of a dominant position.

2. The President of the Office shall, by way of a decision, consent to the implementation of a concentration resulting in significant impediment of competition on the market, in particular by the creation or strengthening a dominant position, where there are justified grounds not to

prohibit such a concentration, and in particular:
1) the concentration will contribute to economic development or technical progress;
2) it may have a positive effect on the national economy.

Article 21. 1. The President of the Office may revoke the decisions referred to in Article 18, Article 19 paragraph 1, and Article 20 paragraph 2, if they were based on unreliable information for which undertakings participating in the concentration were responsible, or where undertakings did not comply with the conditions referred to in Article 19 paragraphs 2 and 3. Where a decision is set aside, the President of the Office shall rule on the merits of the case.

2. Where, in the cases referred to in paragraph 1, the concentration has already been implemented and restoration of competition in the market is otherwise impossible, the President of the Office may, by way of a decision, and specifying a time limit for its implementation under conditions specified in the decision, order in particular:
1) division of the merged undertaking under conditions defined in the decision;
2) disposal of the entirety or a portion of the undertaking's assets;
3) disposal of stocks or shares ensuring control over the undertaking or undertakings, or dissolution of the company over which the undertakings have joint control.

3. The decision referred to in paragraph 2 cannot be issued once 5 years have passed from the day the concentration was implemented.

4. The provisions of paragraphs 2 and 3 shall apply accordingly where the intent to concentrate has not been notified to the President of the Office, as stipulated in Article 13, paragraph 1, and when the decision prohibiting the concentration has not been executed.

Article 22. 1. Decisions referred to in Article 18 and Article 19 paragraph 1, or in Article 20 paragraph 2 shall expire, if within 2 years from their issuance date the concentration has not been implemented.

2. The President of the Office may, upon request, filed no more than 30 days prior to the expiry of the time limit referred to in paragraph 1, of an undertaking participating in a concentration, extend, by way of a resolution, the time limit concerned by one year, if the undertaking has proved that no change has occurred as to the circumstances as a result of which the concentration may cause significant impediment to competition in the market.

3. The President of the Office may conduct preliminary proceedings before issuing the resolution extending the time limit referred to in paragraph 1.

4. In the event that a resolution has been issued refusing extension of the time limit referred to in paragraph 1, implementing a concentration once the time limit in question has expired shall require that the intent to concentrate be notified to the President of the Office, and that consent be obtained for implementation thereof, under the rules and according to the procedure as specified in this Act.

Article 23. The President of the Office, upon request of a financial institution, may extend, by way of a decision, the time limit referred to in Article 14 subparagraph 2, if the institution proves that resale of stocks or shares was not feasible or not economically justified before one year had passed from the date of their acquisition.

SECTION IIIA

Prohibition of the use of abusive clauses in standard agreements

Chapter 1

Abusive clauses in standard agreements

Article 23a. Use in standard agreements with consumers of abusive clauses referred to in Article 385^1(1) of the Civil Code of 23 April 1964 is prohibited.

Chapter 2

Decisions classifying clauses in standard agreements as abusive

Article 23b. 1. The President of the Office will issue a decision classifying a clause in a standard agreement as abusive and prohibiting the use of that clause, if the President of the Office finds the prohibition specified in Article 23a to have been infringed. In the decision, the President of the Office shall cite the wording of the clause in a standard agreement which is classified as abusive.

2. The President of the Office may specify, in the decision referred to in paragraph 1, measures for remedying the ongoing effects of infringement of the prohibition referred to in Article 23a, and in particular require the undertaking to:

1) inform consumers who are party to agreements which are based on a standard agreement referred to in paragraph 1 that clauses in that standard agreement have been classified as abusive – in the manner specified in the decision;
2) make a single or recurring statement of the wording and in the form specified in the decision.

3. The President of the Office may, in the decision referred to in paragraph 1, order that the decision be published in whole or in part, indicating clearly whether the decision is legally binding, in the form specified therein, at the undertaking's expense.

4. The measures referred to in paragraph 2 should be proportionate to the severity and nature of the infringement and necessary to remedy the consequences thereof.

Article 23c. 1. If an undertaking makes a commitment, prior to issuance of the decision referred to in Article 23b paragraph 1, to take or cease certain actions in order to stop infringement of the prohibition referred to in Article 23a, or remedy any consequences thereof, the President of the Office may, by way of the decision referred to in Article 23b paragraph 1, require the undertaking to comply with such commitments.

2. In the decision referred to in paragraph 1, the President of the Office may specify the time limit for fulfilling those commitments.

3. In the decision referred to in paragraph 1, the President of the Office shall impose upon an undertaking an obligation to provide, within the specified time limit, information regarding the extent to which the commitments have been fulfilled.

4. The provisions of Article 23a paragraph 2 (1) and Article 106 paragraph 1 (3a) shall not apply to the decision referred to in paragraph 1.

5. The President of the Office may revoke, ex officio, the decision referred to in paragraph 1 with regard to the parts which concern commitments, and impose the fine referred to in Article 106 paragraph 1 (3a), in the event that:

1) the decision was issued on the basis of false, incomplete or misleading information or documents;
2) the undertaking has not complied with commitments or obligations referred to in paragraphs 1 to 3.

6. The President of the Office may specify, in the case referred to in paragraph 5, measures for remedying the ongoing effects of infringement of prohibition which are referred to in Article 23b paragraph 2. Article 23b paragraph 3 shall not apply.

7. The President of the Office may, upon the undertaking's consent, on an ex officio basis, revoke the decision referred to in paragraph 1 with regard to the parts of the decision which concern commitments, where the circumstances having a significant impact on the issuance of the decision have changed. Paragraph 6 shall apply accordingly.

Article 23d. A legally binding decision classifying a clause in a standard agreement as abusive is effective with respect to the undertaking determined to be using the abusive clause and with respect to all consumers who have concluded an agreement with that undertaking on the basis of the standard agreement specified in the decision.

SECTION IV

Prohibition of practices infringing collective consumer interests

Chapter 1

Practices infringing collective consumer interests

Article 24. 1. Practices infringing collective consumer interests shall be prohibited.

2. A practice infringing collective consumer interests shall mean any activity of an undertaking which is unlawful, contrary to established custom, and detrimental to such interests, in particular:

1) (repealed).
2) a breach of the obligation to provide consumers with reliable, true and complete information;
3) unfair commercial practices or acts of unfair competition;
4) proposing to consumers financial services which do not match the needs of those consumers as determined on the basis of the information available to the undertaking about the characteristics of those consumers or proposing purchase of services in a manner unsuitable for the nature of those services.

3. The sum total of individual consumer interests shall not be a collective consumer interest.

Article 25. The protection of collective consumer interests as provided for in this Act shall be without prejudice to protection under other acts, in particular provisions on counteracting unfair commercial practices and provisions on combating unfair competition.

Chapter 2

Decisions on practices infringing collective consumer interests

Article 26. 1. The President of the Office shall issue a decision pronouncing a practice an infringement of collective consumer interests and ordering that the same be discontinued, if the President of the Office identifies a breach of the prohibition specified in Article 24.

2. The President of the Office may specify, in the decision referred to in paragraph 1, measures for remedying the ongoing effects of infringement of collective consumer interests with a view to ensuring compliance with the order, and in particular require the undertaking to issue a single or recurring statement with such contents and in such form as may be prescribed

in the decision.

3. The President of the Office may, in the decision referred to in paragraph 1, order that the decision be published in whole or in part, indicating clearly whether the decision is legally binding, in the form specified therein, at the undertaking's expense.

4. The measures referred to in paragraph 2should be proportionate to the severity and nature of the infringement and necessary to remedy the consequences thereof.

Article 27. 1. A decision referred to in Article 26 shall not be issued if the undertaking concerned has ceased the practice referred to in Article 24.

2. In the case described in paragraph 1, the President of the Office shall issue a decision pronouncing a practice an infringement of collective interests of consumers, and finding the practice to have been discontinued.

3. The burden of proof with regard to the circumstances referred to in paragraph 1 rests with the undertaking concerned.

4. The provision of Article 26 paragraphs 2-4 shall apply accordingly.

Article 28. 1. If, in the course of proceedings regarding practices infringing collective interests of consumers, it has been rendered plausible – on the basis of the circumstances of a given case, information comprised in the notification referred to in Article 100 paragraph 1, or information forming the basis for instituting proceedings – that the prohibition referred to in Article 24 has been infringed, and the undertaking alleged to have infringed the prohibition undertakes to take or cease certain actions in order to stop such infringements or remedy any consequences thereof, the President of the Office may, by way of a decision, require the undertaking to comply with such commitments. Where the undertaking has stopped infringing the prohibition referred to in Article 24 and undertaken to remedy the consequences of the infringement, the first sentence shall apply accordingly.

2. In the decision referred to in paragraph 1, the President of the Office may specify the time limit for fulfilling commitments or require an undertaking to make a single or recurring statement of the content and in the form specified in the decision, or to publish the decision in whole or in part at the undertaking's expense, indicating clearly whether the decision is legally binding.

3. In the decision referred to in paragraph 1, the President of the Office shall impose upon an undertaking an obligation to provide, within the specified time limit, information regarding the stage of implementation of the undertakings.

4. Where the decision referred to in paragraph 1 is issued, Article 26 and Article 27, as well as Article 106, paragraph 1, subparagraph 4, shall not apply, subject to paragraph 7.

5. The President of the Office may revoke the decision referred to in paragraph 1 ex officio, in the event that:

1) it has been issued on the basis of false, incomplete or misleading information or documents;
2) the undertaking has not complied with the undertakings or obligations referred to in paragraphs 1 to 3.

6. The President of the Office may, upon the undertaking's consent, on an ex officio basis, revoke the decision referred to in paragraph 1, where the circumstances having a significant impact on the issuance of the decision have changed.

7. Where the decision is revoked, the President of the Office shall rule on the merits of the case.

SECTION V

Organisation of competition and consumer protection

Chapter 1

The President of the Office

Article 29. 1. The President of the Office shall be the central government administration authority competent in the protection of competition and consumers. The Prime Minister shall supervise activities of the President of the Office.

2. The President of the Office shall be:

1) an authority performing the tasks imposed upon the authorities of the Member States of the European Union pursuant to Articles 104 and 105 of the TFEU. In particular, the President of the Office shall be the competent competition authority within the meaning of Article 35 of Regulation No. 1/2003/EC;
2) a single liaison office within the meaning of the provisions of Regulation No.2006/2004/EC and, in the scope of President of the Office's statutory competences, the competent authority referred to in Article 4 paragraph 1 of Regulation No. 2006/2004/EC;

3. The Prime Minister shall appoint the President of the Office from among the persons selected as a result of an open and competitive recruitment process.

3a. The position of the President of the Office may be occupied by a person who:

1) holds a Master's or equivalent degree;
2) is a citizen of Poland;
3) enjoys full public rights;
4) has not been convicted by way of a legally binding judgement for an intentional crime or an intentional fiscal crime;
5) possesses managerial competences;
6) holds an employment track record of a minimum of 6 years, including a minimum 3 years in managerial positions;
7) possesses qualifications and knowledge in the fields for which the President of the Office is responsible.

3b. Information on recruitment for the position of the President of the Office shall be announced by way of publication in a generally accessible place on the premises of the Office, as well as in the Public Information Bulletin of the Office and the Public Information Bulletin of the Chancellery of the Prime Minister. The announcement shall specify:

1) name and address of the Office;
2) position;
3) requirements related to the position as specified in the applicable legal provisions;
4) scope of duties to be performed in the position;
5) the required documents;
6) time limit and place for filing documents;
7) information on recruitment methods and techniques.

3c. The time limit referred to in paragraph 3b subparagraph 6 may not be shorter than 10 days from the day of publication of the announcement in the Public Information Bulletin of the Chancellery of the Prime Minister.

3d. Recruitment for the position of the President of the Office shall be conducted by a team appointed by the Head of the Chancellery of the Prime Minister, upon authorisation of the Prime Minister, the team being composed of a minimum of 3 persons whose knowledge and experience will ensure that the best candidates are selected. In the course of the recruitment process, the candidate's professional experience, knowledge required to perform the tasks in the position, and managerial competences shall be assessed.

3e. The assessment of the knowledge and managerial competences referred to in paragraph 3d may be commissioned by the team to a person other than a team member who holds qualifications adequate to conduct the assessment.

3f. A team member and the person referred to in paragraph 3e shall be obliged to keep confidential all information on the persons applying for the position that may be acquired during the recruitment process.

3g. The recruitment process shall result in selection of a maximum of 3 candidates to be presented to the Head of the Chancellery of the Prime Minister.

3h. The team shall draw up a report on the recruitment process specifying:

1) name and address of the Office;
2) position for which the recruitment process was conducted and the number of candidates;
3) first and last names, and addresses of a maximum of 3 best candidates in the order of the extent to which they meet the requirements specified in the announcement on recruitment;
4) information on the applied recruitment methods and techniques.
5) statement of reasons for the selection or reasons for not selecting a candidate;
6) composition of the team.

3i. The results of the recruitment process shall be published promptly in the Public Information Bulletin of the Office and the Public Information Bulletin of the Chancellery of the Prime Minister. The information about the results of the recruitment shall specify:

1) name and address of the Office;
2) position for which the recruitment process was conducted;
3) first and last names of the selected candidates and their places of residence within the meaning of the provisions of the Civil Code, or information about failure to select a candidate.

3j. The publication of the announcement on recruitment and results thereof in the Public Information Bulletin of the Chancellery of the Prime Minister is free of charge.

4. The President of the Office shall be dismissed by the Prime Minister. The President of the Office shall perform the President of the Office's duties until a successor is appointed.

5. (repealed).

6. The President of the Office shall perform the tasks of the President of the Office supported by the Office of Competition and Consumer Protection, hereinafter referred to as the "Office".

7. (repealed).

8. (repealed).

Article 30. 1. Vice Presidents of the Office shall be appointed by the Prime Minister from among persons selected by way of an open and competitive recruitment process. The Vice Presidents of the Office shall be dismissed by the Prime Minister at the request of the President of the Office.

2. The team conducting recruitment for the positions referred to in paragraph 1 shall be appointed by the President of the Office.

3. The provisions of Article 29 paragraphs 3a to 3j shall apply accordingly to recruitment for the positions referred to in paragraph 1.

Article 31. The scope of the activities of the President of the Office shall include:

1) monitoring undertakings' compliance with the Act;
2) issuing decisions in cases concerning competition-restricting practices, concentrations of undertakings, cases concerning classification of clauses in standard agreements as abusive, practices infringing collective consumer interests, as well as other decisions provided for by the Act;
3) analysing the level of concentration in the economy and the market behaviour of undertakings;
4) preparing draft government programmes for the development of competition and draft government consumer protection policies;
5) cooperating with Polish and international consumer and competition protection authorities

and organisations responsible for competition and consumer protection;
6) performing tasks and exercising competences of a competition authority of a European Union Member State, as determined in Regulation No. 1/2003/EC and Regulation No. 139/2004/EC;
7) performing tasks and exercising the competences of a competition authority and the single liaison office of a European Union Member State, as stated in Regulation No. 2006/2004/EC;
8) preparing and submitting to the Council of Ministers legislative proposals concerning protection of competition and consumers;
9) submitting to the Council of Ministers periodical reports on the implementation of government programmes for competition development and consumer policy;
10) working with local government authorities within the scope provided for in the government consumer policy;
11) (repealed)
12) preparing and releasing publications and educational programmes promoting awareness of competition and consumer protection;
13) contacting undertakings in matters concerning competition and consumer protection;
14) fulfilling the international obligations of the Republic of Poland with respect to cooperation and exchange of information in consumer and competition protection and state aid matters;
15) collecting and disseminating decisions and judgements in cases concerning competition and consumer protection, in particular posting decisions issued by the President of the Office on the Office's website;
16) working with the Head of the National Crime Information Centre to the extent necessary for the fulfilment of Head of the National Crime Information Centre's statutory tasks;
17) performing other tasks specified in this Act or in separate acts.

Article 31a. The President of the Office may publish and announce explanations and interpretations of significant relevance for the application of legal provisions as regards issues falling within the scope of competences of the President of the Office. Explanations and interpretations shall be published in the Public Information Bulletin of the Office.

Article 31b. The President of the Office shall publish on the Office's website, in full, the contents of decisions issued pursuant to the Act, while publication of the statement of reasons shall not include business secrets or any other types of information protected under separate provisions. The publication shall state whether the decision is legally binding.

Article 31c. The President of the Office may publish in public television and radio, free of charge, in the form and at the time agreed upon in consultation with the competent public radio and television entity:

1) information released concerning conduct or situations which might constitute a serious threat to consumer interests;

2) information with regard to which a resolution referred to in Article 73a paragraph 2 has been issued.

Article 31d. The President of the Office may present a court with a standpoint which is material to a case, in cases concerning competition and consumer protection, if the President of the Office believes this to be in the public interest.

Article 32. (repealed)

Article 33. 1. The Office shall be composed of the Central Office in Warsaw, Branch Offices in Bydgoszcz, Gdańsk, Katowice, Cracow, Lublin, Łódź, Poznań, Warsaw and

Wrocław, as well as laboratories supervised by the President of the Office.

2. The Branch Offices shall be managed by their respective directors.

3. The Prime Minister shall specify, by way of a regulation, the territorial and subject-matter competence of the Branch Offices for cases falling within the scope of the activities of the President of the Office, taking into consideration the nature and number of cases occurring in the relevant territory.

4. In addition to the cases falling within their area of competence, Branch Offices may deal with other cases referred to them by the President of the Office.

5. In particularly justified circumstances, the President of the Office may take over a case falling within the area of competence of a given Branch Office or refer it to be dealt with by another Branch Office, or refer a case falling within his own competence to be dealt with by a specified Branch Office.

6. Decisions and resolutions in cases falling within the area of competence of the Branch Offices and in cases referred by the President of the Office pursuant to paragraph 5 above shall be issued by the directors of the Branch Offices on behalf of the President of the Office.

Article 34. The organisation of the Office shall be defined in a statute established by the Prime Minister by way of a regulation.

Article 35. 1. (repealed)

2. (repealed).

3. The President of the Office may order the Trade Inspection Authority to conduct an inspection or to perform other tasks falling within the scope of President of the Office's activities.

4. (repealed).

Article 36. (repealed)

Chapter 2

Local government and consumer organisations

Article 37. The tasks in the field of the protection of consumer interests in the scope specified in the Act and in separate provisions shall be performed also by local government authorities, as well as by consumer organisations and other institutions, the statutory or official tasks of which include the protection of consumer interests.

Article 38. The task of local government authorities with regard to consumer protection is raising awareness of consumer-related issues.

Article 39. 1. The tasks of local government authorities at district level with regard to protection of consumer rights shall be performed by the district (municipal) consumer ombudsman, hereinafter referred to as the "consumer ombudsman".

2. Districts may, by agreement, appoint a single consumer ombudsman between them.

Article 40. 1. A consumer ombudsman shall be employed by the district governor or, in towns of district status, the city mayor.

2. A consumer ombudsman shall be a person holding a university degree, in particular in law or economics, and possessing a minimum of five years of professional experience.

3. A consumer ombudsman shall be directly subordinate to the district governor (city mayor).

4. A consumer ombudsman shall be organisationally separate within the structure of the district governor's office (municipal authorities), and in districts with a population in excess of 100,000 inhabitants and in towns of district status, a consumer ombudsman may perform the

consumer ombudsman's tasks with the help of an individual office.

5. For other matters related to the legal status of a consumer ombudsman, the provisions of the Act of 21 November 2008 on Local Government Workers (Journal of Laws No. 223, item 1458) shall apply.

Article 41. (repealed)

Article 42. 1. The tasks of a consumer ombudsman shall include the following:

1) providing free of charge consumer advice and legal information regarding protection of consumer interests;
2) submitting requests for enacting and amending local regulations regarding protection of consumer interests;
3) contacting undertakings in matters concerning the protection of rights and interests of consumers;
4) working with the territorially competent Branch Offices, Trade Inspection Authority bodies, and consumer organisations;
5) performing other tasks defined in this Act or in separate legal provisions.

2. A consumer ombudsman may in particular file lawsuits on behalf of consumers, and, with their consent, join lawsuits in cases concerning protection of consumer interests.

3. In cases concerning minor offences to the detriment of consumers, a consumer ombudsman shall act as a public prosecutor within the meaning of the provisions of the Act of 24 August 2001 on the Code of Procedure in Cases Prosecuted as Minor Offences (Journal of Laws No. 106, item 1148, as amended).

4. An undertaking contacted by a consumer ombudsman acting pursuant to the provisions of paragraph 1 subparagraph 3, is under an obligation to provide the ombudsman with requested explanations and information and to make known its standpoint in relation to comments and opinions given by the ombudsman.

5. The provisions of Article 63 of the Act of 17 November 1964 - Code of Civil Procedure shall apply accordingly to a consumer ombudsman.

Article 43. 1. By 31 March each year, a consumer ombudsman shall submit for approval to the district governor (city mayor) a report on their activity in the preceding year and submit a copy thereof to the competent Branch Office.

2. (repealed).

3. A consumer ombudsman shall be required to submit, on a regular basis, to the Branch Offices, the relevant conclusions and information about problems concerning consumer protection which need to be addressed at government level.

Article 44. 1. The National Council of Consumer Ombudsmen, hereinafter referred to as the "Council", is a body that assists the President of the Office.

2. The Council is a standing opinion-giving and advisory body to the President of the Office with regard to matters related to protection of consumer rights at the district level.

3. The tasks of the Council shall include, in particular:

1) proposing areas of legislative change with regard to protection of consumer rights;
2) giving opinions on legislative proposals or areas of government consumer policy;
3) giving opinions on such other matters relating to protection of consumers as the President of the Office may refer to the Council;
4) conveying information concerning protection of consumers to the extent specified by the President of the Office.

4. The Council shall comprise nine consumer ombudsmen, one from each area of local competence of the Branch Offices.

5. The members of the Council shall be appointed and dismissed by the President of the

Office. Appointments shall be made upon the request of the directors of the Branch Offices referred to in paragraph 4, subject to written consent of the recommended consumer ombudsmen. Ceasing to perform the function of a consumer ombudsman shall result in the expiry of the consumer ombudsman's membership in the Council.

6. The Office shall provide administrative support for the Council.

7. The Office shall reimburse members of the Council for costs of travel to attend meetings of the Council in accordance with the rules laid down in legal provisions on allowances to which a person employed in a budget-financed state or local government unit is entitled in connection with business travel within Poland.

8. The working procedures of the Council shall be laid down in the regulations established by the President of the Office.

Article 45. 1. Consumer organisations shall represent consumer interests before central and local government authorities and may participate in the implementation of government consumer policy.

2. The organisations referred to in paragraph 1 are, in particular, entitled to:

1) express opinions on legislative proposals and other documents concerning rights and interests of consumers;
2) develop and disseminate consumer awareness programmes;
3) conduct tests on products and services and publish the results;
4) issue periodicals, research papers, brochures and leaflets;
5) provide free-of-charge consumer advisory services and free-of-charge assistance offered to consumers pursuing their claims, unless the statutes of the organisation provide that a charge is payable;
6) participate in standardisation works;
7) carry out the state's tasks with regard to consumer protection, referred to them by central and local government authorities;
8) apply for public funds for the tasks referred to in subparagraph 7.

3. Central and local government authorities have an obligation to consult consumer organisations on matters concerning areas of activity aimed at protection of consumer interests.

Article 46. The amount of annual closed-end grants, within the meaning of legal provisions on public finances, allocated from the state budget for performance of tasks referred to in Article 45 paragraph 2 subparagraph 7 shall be stipulated in the Budget Act, in the state budget part administered by the President of the Office.

SECTION VI

Proceedings before the President of the Office

Chapter 1

General provisions

Article 47. 1. The proceedings before the President of the Office shall be conducted as preliminary proceedings, antitrust proceedings, proceedings concerning classification of clauses in standard agreements as abusive, or proceedings concerning practices infringing collective consumer interests.

2. Preliminary proceedings may be conducted prior to instituting antitrust proceedings, proceedings concerning classification of clauses in standard agreements as abusive, or proceedings concerning practices infringing collective consumer interests.

Article 48. 1. The President of the Office may, acting ex officio and by way of a resolution, institute preliminary proceedings, if the circumstances indicate that the provisions of the Act might have been infringed regarding a given branch of the economy, or regarding protection of consumer interests, and in any other cases as provided for by this Act.

2. Preliminary proceedings may be conducted in particular for the purpose of:

1) initially determining whether an infringement of the provisions of this Act has occurred, such as may justify the institution of antitrust proceedings, including whether the case is of an antitrust nature;

1a) initially determining whether an infringement has occurred, such as may justify the institution of proceedings concerning classification of clauses in standard agreements as abusive;

2) initially determining whether an infringement has occurred, such as may justify the institution of proceedings regarding practices infringing collective interests of consumers;

3) a market study, including to determine the structure and degree of concentration thereof;

4) initially determining whether an obligation exists to submit notification of intent to concentrate;

5) determining whether an infringement has occurred of any consumer interest protected by the law, such as may justify the taking of actions specified in separate acts of law.

3. Preliminary proceedings shall be concluded by way of a resolution.

4. Preliminary proceedings should not last longer than 4 months, and as regards particularly complex issues, no longer than 5 months from the date of the institution thereof.

5. In the case referred to in paragraph 2 subparagraph 3, the provision of paragraph 4 and Article 35 of the Act of 14 June 1960 - Code of Administrative Procedure (Journal of Laws of 2000 No. 98, item. 1071, as amended) shall not apply.

Article 49. 1. Antitrust proceedings in cases of competition-restricting practices, proceedings concerning practices infringing collective consumer interests, proceedings in cases concerning classification of clauses in standard agreements as abusive, and in cases involving imposition of fines shall be instituted ex officio.

2. Antitrust proceedings concerning concentrations shall be instituted upon request or ex officio.

Article 49a. 1. The President of the Office may contact undertakings in matters concerning competition and consumer protection without instituting proceedings.

2. An undertaking contacted by the President of the Office may submit a statement of its standpoint within the time limit specified by the President of the Office, concerning the matter regarding which the undertaking was contacted.

3. The time limit referred to in paragraph 2 may not be less than 14 days from the day the undertaking is contacted.

Article 50. 1. Undertakings are required to provide all necessary information and documents upon request of the President of the Office.

2. The request referred to in paragraph 1 should include:

1) scope of such information;

2) objective of the request;

3) time limit for providing information;

4) information about sanctions for failing to provide information or for providing false or misleading information.

3. Any person shall be entitled to submit, in written form, on their own initiative or upon request of the President of the Office, explanations concerning the essential circumstances of a given case.

Article 51. 1. Only an original document or a copy certified by a public authority, notary, attorney at law, legal adviser, tax adviser, patent attorney or authorised employee of an undertaking may serve as documentary evidence in proceedings before the President of the Office.

2. Evidence in proceedings before the President of the Office is a document drawn up in the Polish language, subject to paragraph 3.

3. Where such document has been drawn up in a foreign language also a translation into Polish of this document or of the part of the document intended to serve as evidence in the proceedings should be submitted, certified by a sworn translator.

Article 52. 1. A party adducing witness evidence is required to indicate precisely the facts to be confirmed by the testimony of individual witnesses and to provide the data allowing a witness to be properly summoned.

2. When summoning a witness, the President of the Office shall state in the summons the first name, surname and place of residence of the person summoned, the time and place of examination, the parties and subject of the case, and stipulate the provisions on penal sanctions for false testimony.

Article 53. 1. Once recorded in the report, the testimony of a witness shall be read out before the witness and completed or verified, as the case may be, based on his/her comments.

2. The report of examination of a witness shall be signed by the witness and by the employee of the Office conducting the interview.

Article 54. 1. In cases requiring special information, the President of the Office, having heard the motions of the parties concerning the number of experts and their selection, may summon one or more experts in order to seek their opinion.

2. An expert, within the meaning of paragraph 1, may also be a legal person specialising in the relevant field.

Article 55. A party may request that an expert be excluded from proceedings for the same reason that exclusion of an employee of the Office can be requested, up until the moment of completion of the expert's activities. A party lodging a request to exclude an expert after the expert has commenced activities shall be required to render plausible the grounds for exclusion arose thereafter or were unknown to the party beforehand.

Article 56. The President of the Office may order that an expert be shown the case files and the object of examination. The provisions of Article 71 paragraph 1 shall apply accordingly.

Article 57. 1. An opinion issued by an expert must contain a statement of reasons.

2. The experts may draw up a joint opinion.

Article 58. 1. The President of the Office shall award an expert remuneration in accordance with provisions on costs of introducing expert evidence in court proceedings, subject to paragraph 3.

2. The President of the Office may require a party that has filed a motion for introduction of expert evidence to make an advance payment towards the expert's expenses.

3. If no decision is issued finding a competition-restricting practice to have occurred, or collective consumer interests to have been infringed, the costs of the expert's remuneration shall be borne by the State Treasury.

Article 59. 1. The President of the Office may ask a scientific institute, within the meaning of provisions on rules for funding science, to issue an opinion.

2. In its opinion, the institute shall specify the person or persons who conducted the

research and issued the opinion.

3. The provisions of Articles 54 to 58 shall apply accordingly.

Article 60. 1. During the proceedings the President of the Office may hold a hearing.

2. The hearing referred to in paragraph 1 shall be an open session, subject to paragraph 4.

3. The President of the Office may summon for the hearing and examine parties and witnesses, as well as ask for an expert opinion.

4. The hearing referred to in paragraph 1 is a closed session, if the information to be examined in the course of the hearing constitutes business secrets or other types of secrets protected under separate provisions. The provisions of Articles 153 and 154 of the Act of 17 November 1964 - Code of Civil Procedure shall apply accordingly.

Article 61. The President of the Office may request a territorially competent district court to examine witnesses or obtain expert opinions, where this is advisable due to the nature of the evidence or considerations concerning significant inconvenience or considerable costs of introducing such evidence. When requesting a court to provide evidence, the President of the Office shall issue a resolution specifying:

1) court which is to provide evidence;
2) form of the evidence;
3) facts to be established.

Article 62. (repealed)

Article 63. (repealed)

Article 64. (repealed)

Article 65. (repealed)

Article 66. (repealed)

Article 67. (repealed)

Article 68. (repealed)

Article 69. 1. The President of the Office may, upon request or ex officio, and by way of a resolution, limit to the extent necessary the right of access to evidence in the case files, if granting access to such evidence would entail a risk of disclosing a business secret or any types of secrets which are protected under separate provisions.

2. The restriction referred to in paragraph 1 shall also apply to evidence included in the proceedings pursuant to Article 73 paragraph 5.

3. A resolution issued pursuant to paragraph 1 shall be subject to a complaint.

4. A request for a right of access to evidence to be limited shall be accompanied by a statement of reasons and a version of the document that does not comprise any information which is subject to the limitation referred to in paragraph 1, with a relevant annotation.

4a. If the request does not meet the requirements referred to in paragraph 4, the President of the Office shall call upon the applicant to provide additional material or information concerning the request within the specified time limit. If a version of the document as described in paragraph 4 is not filed within the specified time limit, the request shall not be reviewed**.**

5. Evidence not comprising any information which is subject to the limitation referred to in paragraph 1 shall be rendered accessible to the parties and entities concerned, with the relevant annotation.

Article 70. 1. Any information and evidence obtained by the President of the Office in connection with application of Article 89a and Articles 113a to 113k, including information on the undertaking's or the managing person's application for full immunity as well as information obtained in the course of the settlement procedure, shall not be rendered accessible, subject to paragraphs 2 and 3.

2. The President of the Office shall grant the parties access to the information and evidence referred to in paragraph 1 prior to issuing the decision.

3. The provision of paragraph 1 shall not apply in the event the undertaking or the managing person requesting that a fine be waived or reduced, or the undertaking or managing person entering the settlement procedure gives consent in writing to the rendering accessible of the information and evidence referred to in paragraph 1 accessible.

4. Documents containing information and evidence which constitute a statement made by an undertaking or managing person who have submitted a request for a total immunity from fines or reduction of fines, or an undertaking or managing person entering the settlement procedure may be copied by a party only upon the undertaking's or the managing person's written consent.

5. Handwritten notes may be made of the information and evidence referred to in paragraph 4, provided that the party making the notes undertakes to use the information obtained thereby only for the purposes of the proceedings being conducted before the President of the Office or proceedings before a court conducted as a result of an appeal being lodged in the case concerned.

6. The information and evidence referred to in paragraph 1 shall not be made available under the provisions of the Act of 6 September 2001 on Access to Public Information**.**

Article 71. 1. Employees of the Office shall protect business secrets as well as other information protected under separate provisions that they may have acquired during proceedings.

2. The provision of paragraph 1 shall not apply to publicly available information, information on institution of proceedings, or information on decisions issued in conclusion of such proceedings and the content thereof.

3. The provisions of paragraphs 1 and 2 shall apply also to employees of the Trade Inspection Authority and other persons involved in the inspections referred to in Article 105a paragraph 2.

Article 72. Public administration bodies are under an obligation to render accessible to the President of the Office the files being in their possession as well as information relevant to proceedings conducted before the President of the Office.

Article 73. 1. Information obtained in the course of proceedings may not be used in any other proceedings conducted on the basis of separate provisions, subject to paragraphs 2 to 4.

2. The provision of paragraph 1 shall not apply to:

1) penal proceedings conducted by way of a public complaint procedure, or fiscal penal proceedings;
2) other proceedings conducted by the President of the Office;
3) sharing of information with the European Commission and competition authorities of the European Union Member States under Regulation No. 1/2003/EC;
4) sharing of information with the European Commission and competent authorities of the European Union Member States under Regulation No. 2006/2004/EC;
5) providing competent authorities with information which may indicate that any separate provisions have been infringed.

3. The President of the Office shall provide regulatory authorities responsible for the market for telecommunications and postal services, as well as management of fuels and energy, hereinafter referred to as "regulatory authorities", with information, including results of market studies and analyses required in proceedings conducted by these authorities, save for information:

1) for which the confidentiality obligation arises due to international commitments, in particular information obtained in the course of proceedings instituted pursuant to Article 101 or Article 102 of the TFEU;
2) obtained in connection with application of Article 89a and Articles 113a to 113k.

4. Regulatory authorities have an obligation to protect information obtained pursuant to paragraph 3, and in particular such information may not be used in proceedings other than those conducted by regulatory authorities. The provisions of Articles 69 and 71 shall apply accordingly.

5. Information obtained in the course of proceedings from a competition authority of a Member State of the European Union may be used in the course of the said proceedings under the terms upon which such information was provided by that authority, including under the condition that such information is not used to impose sanctions upon specific persons.

6. The President of the Office shall notify the parties concerned where information obtained in the course of any other proceedings conducted by the President of the Office is included in the pool of evidence.

Article 73a. 1. If information collected in the course of proceedings regarding practices that infringe collective consumer interests reveals that there are grounds for suspecting that the undertaking is committing practices infringing collective consumer interests which may cause significant losses or have a harmful effect on a wide range of consumers, the President of the Office shall disclose to the public, including via the Office's webpage, information collected in the course of the proceedings which relates to the undertaking's practices and probable consequences thereof.

2. The information referred to in paragraph 1 shall be disclosed to the public on the basis of a resolution. The resolution concerned shall be subject to complaint.

Article 74. When issuing a decision concluding proceedings, the President of the Office shall take into consideration only the charges regarding to which the parties concerned have been able to respond.

Article 75. 1. The President of the Office shall discontinue proceedings, by way of a resolution, in the event that:

1) the notification of intent of undertakings to concentrate has been withdrawn;
2) the fine referred to in Article 106 paragraph 2, and Articles 107 and 108, has not been imposed;
3) the case has been taken over by the European Commission under Community law.

2. The President of the Office may, by way of a resolution, discontinue proceedings if the case concerned has been resolved by a competent competition authority of a Member State of the European Union.

Article 76. Subject to Articles 93, 99 (f) and 105, proceedings shall not be instituted once 5 years have passed from the end of the year when:

1) the infringement of the provisions of the Act took place;
2) a decision imposing a fine became legally binding.

Article 77. 1. If proceedings result in the President of the Office finding provisions of the Act to have been infringed, the undertaking that has committed such infringement, as well as the managing person referred to in Article 6a have an obligation to bear the costs of the proceedings.

2. In particularly justified cases the President of the Office may order a party to reimburse only a portion of the expenses or refrain from charging for such costs.

Article 78. Regardless of the outcome of a case, the President of the Office may order a party to reimburse costs which arose due to that party's careless or clearly inappropriate behaviour, in particular costs which arise due to explanations being offered which are evasive or untrue, or due to concealment or delayed presentation of evidence.

Article 79. The costs of necessary opinions of experts and scientific institutes within the meaning of provisions on rules for funding science in concentration cases shall be borne by the

undertakings participating in the concentration.

Article 80. The President of the Office shall make decisions with regard to costs by way of a resolution, which may be included in the decision concluding the proceedings.

Article 81. 1. A decision of the President of the Office shall be subject to appeal to the Regional Court in Warsaw – the Court of Competition and Consumer Protection, hereinafter referred to as the "Court of Competition and Consumer Protection" lodged within one month from the date of service of the decision.

2. In cases where an appeal against a decision issued by the President of the Office is lodged, the President of the Office shall refer it to the Court of Competition and Consumer Protection together with the case files promptly, but not later than 3 months from the day such appeal is lodged.

3. Where the President of the Office considers the appeal to be justified, the President of the Office may – without handing over the files to the court – set aside or amend the President of the Office's decision in whole or in part, and shall promptly notify the party of the same by sending a new decision, which shall be subject to appeal. When setting aside or amending the decision, the President of the Office shall also state at the same time whether that decision was issued without legal basis or in gross infringement of the law.

3a**.** Where an appeal is lodged against a decision allowing a party's final statement regarding the settlement procedure, the President of the Office shall, while not handing over the files to a court, and:

1) if the appeal is considered to be justified:

a) set aside the President of the Office's decision according to the rules laid down in paragraph 3, or

b) amend the President of the Office's decision in whole or in part, according to the rules laid down in paragraph 3, while also amending the decision with regard to the fine; the fine imposed shall be of the amount that would have been applicable had the party not entered the settlement procedure;

2) if the appeal is not considered to be justified - amend the President of the Office's decision with regard to the fine, imposing it in the amount that would have been applicable had the party not entered the settlement procedure, and shall promptly notify the party of the same by sending a new decision, which shall be subject to appeal**.**

4. Prior to referring the appeal to the Court of Competition and Consumer Protection or prior to the decision being set aside or amended pursuant to paragraph 3 or 3a, the President of the Office may also, in justified cases, perform additional activities aimed at resolving the objections contained in the appeal.

5. The provisions of paragraphs 1 to 3 and 4 shall apply accordingly to the resolutions of the President of the Office which are subject to complaints, such complaints to be lodged within one week from the day of service the resolution.

Article 82. 1. The legal means for refuting a decision as provided for in the Code of Administrative Procedure, concerning the resumption of proceedings, or the setting aside, amendment or invalidation of decisions, shall not apply to decisions issued by the President of the Office.

2. The provision of paragraph 1 shall apply accordingly to resolutions issued by the President of the Office.

Article 83. In matters not regulated in this Act, proceedings before the President of the Office shall be governed by provisions of the Act of 14 June 1960 - Code of Administrative Procedure, subject to Article 84.

Article 84. In matters concerning evidence in proceedings before the President of the Office within the scope not regulated in this chapter, Articles 227 to 315 of the Act of 17 November 1964 - Code of Civil Procedure shall apply accordingly.

Article 85. The provisions of this chapter shall apply accordingly to cases regarding imposition of fines for infringement of provisions of the Act.

Chapter 2

Antitrust proceedings concerning competition-restricting practices

Article 86. 1. Any person may submit to the President of the Office a written notification, together with statement of reasons, concerning suspected competition-restricting practices.

2. The notification referred to in paragraph 1 may state in particular:

1) undertaking alleged to be applying competition-restricting practices;
2) facts being the basis for the notification;
3) provision of the Act or the TFEU which the person submitting the notification alleges to have been infringed;
4) facts rendering plausible the infringement of the provisions of the Act or the TFEU;
5) identification data of the person submitting the notification.

3. Any documents that may constitute evidence of infringement of the provisions of the Act shall be attached to the notification.

4. The President of the Office shall provide the person submitting the notification, within the time period specified in Articles 35 to 37 of the Act of 14 June 1960 - Code of Administrative Procedure, with information in writing about the manner in which the notification, together with the statement of reasons, will be considered.

Article 87. 1. The President of the Office shall, in accordance with Article 11, paragraph 6 of Regulation No. 1/2003/EC, refuse to institute antitrust proceedings in the event that:

1) the European Commission is conducting proceedings regarding the same case;
2) the case has been resolved by the European Commission.

2. The President of the Office may, pursuant to Article 13 of Regulation No. 1/2003/EC, refuse to institute antitrust proceedings in the event that:

1) the competent competition authority of another Member State of the European Union is conducting proceedings regarding the same case;
2) the case has been resolved by the competent competition authority of another Member State of the European Union.

3. If in the case referred to in paragraph 2 subparagraph 1, the President of the Office has instituted antitrust proceedings concerning a given case, the President of the Office may suspend the proceedings, by way of a resolution, until the competent competition authority of another Member State of the European Union has resolved the case.

Article 88. 1. A party to the proceedings shall be any person against whom proceedings concerning competition-restricting practices are instituted.

2. The President of the Office shall issue a resolution instituting antitrust proceedings and shall notify the parties concerned of this fact.

3. With respect to competition-restricting agreements referred to in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU, the President of the Office shall institute proceedings in a single antitrust case regarding:

1) an undertaking's infringement of the prohibition specified in those provisions;
2) a managing person allowing an undertaking's infringement of the prohibition concerned to occur.

4. Paragraph 3 shall also apply where the President of the Office has obtained information concerning circumstances showing that an undertaking's infringement of the prohibitions specified in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU has been allowed to occur by a managing person subsequent to institution of antitrust proceedings regarding infringement of such prohibitions by the undertaking**.**

Article 89. 1. If, in the course of antitrust proceedings, it has been rendered plausible that any further application of the alleged practice may cause serious threats to competition which it would be difficult to remedy, the President of the Office may, prior to the conclusion of the antitrust proceedings, and by way of a decision, require the undertaking alleged to be applying a given practice to cease the specific conduct, in order to prevent those threats. Filing of an appeal shall not stay execution of the said decision. Prior to issuing the decision, no right shall be vested in the party concerned to express its standpoint as to the evidence and materials gathered, or demands submitted, as referred to in Article 10 of the Act of 14 June 1960 Code of Administrative Procedure.

2. In the decision referred to in paragraph 1, the President of the Office shall specify the period for which it is binding. The decision shall not be binding beyond the time a decision is issued concluding the proceedings regarding the case.

3. The President of the Office may extend, by way of a decision, the period for which the decision referred to in paragraph 1 is binding. The second sentence of paragraph 2 shall apply accordingly.

4. In the decision referred to in paragraph 1, the fines referred to in Article 106 paragraph 1 subparagraphs 1 and 2 shall not be imposed.

5. In the event that an appeal is filed against the decision referred to in paragraph 1, the President of the Office shall forward the appeal, with the case files, to the court within 10 days of receipt of the appeal.

6. The Court of Competition and Consumer Protection shall review the appeal within two months of the day the President of the Office forwards the appeal,

Article 89a. 1. Prior to conclusion of antitrust proceedings the President of the Office may, ex officio or upon a party's request, make a proposal to all of the parties to join the settlement procedure, if the President of the Office believes that application of this procedure will help to expedite the proceedings.

2. Where a party files a request referred to in paragraph 1, the President of the Office shall, within 14 days, inform that party that the settlement procedure has been commenced or that commencement of that procedure has been refused.

3. In the case of application of the procedure referred to in paragraph 1, the amount of the fine that may be imposed upon a party whose final standpoint referred to in paragraph 7 has been taken into consideration in the content of the decision, shall be decreased by 10% in relation to the fine that would have been imposed under Article 106 paragraph 1 subparagraphs 1 or 2, or Article 106a paragraph 1, if the party had not joined the settlement procedure.

4. The party shall present its standpoint on the proposal of the President of the Office as referred to in paragraph 1, within 14 days from the date of service.

5. In the case of consent to join the settlement procedure, the President of the Office shall inform the party that gave that consent of the initial findings of the antitrust proceedings regarding the party, and of the envisaged content of the decision, including the amount of the fine, decreased according to paragraph 3, that shall be imposed upon the party under Article 106 paragraph 1 subparagraph 1 or 2, or Article 106a paragraph 1, as well as of the results of lodging the appeal which are provided for in Article 81 paragraph 3a. The provisions of paragraph 4 shall apply accordingly.

6. Upon reviewing the party's standpoint, the President of the Office shall again provide the party with information within the scope referred to in paragraph 5, having regard for information and evidence presented by the party. The provisions of paragraph 4 shall apply accordingly.

7. Upon having reviewed the party's standpoint in respect to the information referred to in paragraph 6, the President of the Office shall call upon the party to express its final standpoint, within the specified time limit (not shorter than 14 days) with respect to settlement.

8. The final standpoint referred to in paragraph 7 shall contain a statement made by the party of settlement, as well as confirmation:

1) of the amount of fine accepted by the party;
2) that the party has been informed of the infringements the party is alleged to have committed, has been enabled to express its standpoint, and has been instructed of the consequences of lodging the appeal provided for in Article 81 paragraph 3a.

9. In the content of the decision referred to in Article 10, subject to paragraphs 10 and 11, the President of the Office shall take into consideration the final standpoint referred to in paragraph 7.

10. The President of the Office may discontinue the settlement procedure at any stage, if he/she concludes that application of the procedure would not help to expedite the proceedings, and will promptly inform the party participating in the procedure of the same.

11. The party may cease participation in the settlement procedure at any stage, by informing the President of the Office of the same.

12. Any and all information and evidence obtained by the President of the Office in relation to the settlement procedure, which constitute a statement of a party participating in that procedure, must not be used as evidence in the proceedings concerned, other proceedings conducted by the President of the Office, and proceedings conducted on the basis of separate provisions, in the cases referred to in paragraphs 10 or 11.

Article 90. The President of the Office may rule that a decision is immediately enforceable in whole or in part where an important consumer interest so warrants.

Article 91. 1. If there are reasonable grounds to suppose that any objects, files, records, documents and data carriers within the meaning of regulations on computerisation of operations of entities performing public tasks are stored in residential premises or any other premises, real property or means of transport, and such objects may affect the determining of facts which are material to pending proceedings, the Court of Competition and Consumer Protection, upon the request of the President of the Office, may consent to a search of those premises by the Police, including seizure of objects that may be used as evidence in the proceedings. The provisions of Article 105n, paragraphs 3 and 4 shall apply accordingly.

2. An authorised employee of the Office or other persons referred to in Article 105a, paragraph 2 shall also participate in the search referred to in paragraph 1.

3. When instructed by the Court of Competition and Consumer Protection, the Police shall perform the actions referred to in paragraph 1.

4. With respect to any issues not regulated in the Act, the Act of 6 June 1997 - Code of Penal Procedure (Journal of Laws No. 89, item. 555, as amended) shall apply accordingly to a search referred to in paragraph 1**.**

Article 92. Antitrust proceedings concerning competition-restricting practices should be completed no later than 5 months from the they are instituted. The provisions of Articles 35 to 38 of the Act of 14 June 1960 - Code of Administrative Procedure shall apply accordingly.

Article 93. 1. Proceedings concerning competition-restricting practices shall not be instituted where 5 years have passed since the end of the year in which such practices ceased.

2**.** Proceedings concerning competition-restricting practices shall not be instituted against a managing person, where 5 years have passed since the end of the year in which the managing person ceased the conduct referred to in Article 6a.

Chapter 3

Antitrust proceedings concerning concentration

Article 94. 1. Any person who submits a notification, in conformity with paragraph 2, of intent to concentrate shall be a party to proceedings.

2. The intent to concentrate shall be notified by:

1) undertakings merging– in the case referred to in Article 13 paragraph 2 subparagraph 1;
2) an undertaking taking control over another undertaking – in the case referred to in Article 13, paragraph 2 subparagraph 2;
3) jointly, all undertakings participating in creation of a joint venture – in the case referred to in Article 13 paragraph 2 subparagraph 3;
4) an undertaking acquiring a portion of another undertaking's assets – in the case referred to in Article 13 paragraph 2 subparagraph 4.

3. In cases where a concentration is implemented by a dominant undertaking through two or more dependent undertakings, the notification of intent to concentrate shall be submitted by the dominant undertaking.

4. Undertakings shall be charged fees for requests for institution of antitrust proceedings in concentration cases. If a request has been submitted but no fee has been paid, the President of the Office shall give notice to the applicant requesting payment of the fee within 7 days, instructing it at the same time that a failure to pay the fee will result in the request not being reviewed.

4a**.** The fees referred to in paragraph 4 shall not be reimbursed in cases where an application for institution of antitrust proceedings concerning concentration is returned or the proceedings are discontinued**.**

5. The fees referred to in paragraph 4 shall constitute state revenue.

6. The Council of Ministers shall determine, by way of a regulation:

1) detailed conditions to be met by a notification of the intent to concentrate, including a list of information and documents which this notification should contain, taking into consideration the specific nature of the business activity conducted by various types of undertakings and, in particular by financial institutions;
2) rate of fees referred to in subparagraph 4 as well as the procedure for payment of fees, while ensuring that they do not constitute an obstacle for undertakings as regards implementing a concentration.

Article 95. 1. The President of the Office:

1) shall return the notification of the intent to concentrate, if no notification of the intent to concentrate is required;
2) may return, within 14 days, the notification of the intent to concentrate, if such notification fails to meet the applicable requirements;
3) may issue notice to the party submitting the notification of the intent to concentrate requiring it to provide missing information and additional information needed as specified, within the specified time limit;
4) may return notification of the intent to concentrate if notice has been issued pursuant to subparagraph 3, requiring that missing information and additional information be submitted, but the party submitting the notification fails to do so within the specified time limit.

Article 96. 1. Antitrust proceedings in concentration cases should be concluded within one month from the day on which they are instituted.

2**.** Waiting periods for the following shall not be counted in the time limit specified in paragraph 1**:**

1) notification by other participants in the concentration;
2) providing the missing information or additional information as described in Article 95 paragraph 1 subparagraph 3;
3) payment of the fee referred to in Article 94 paragraph 4**.**

Article 96a. 1. In cases:

1) which are particularly complicated,
2) in which it appears from the information contained in the notification of intent to concentrate or from other information, including information obtained by the President of the Office in the course of conducted proceedings, that there is reasonable probability of competition being impeded on the market as a result of the concentration, or
3) where a market study is required

- the time limit for concluding the proceedings shall be extended by 4 months.

2. In the cases specified in paragraph 1 the President of the Office shall extend the time limit for concluding the proceedings by way of a resolution, which shall not be subject to complaint. The resolution shall include a statement of reasons.

3. In cases where there is reasonable probability that competition on the market will be significantly impeded as a result of the concentration, the President of the Office shall present objections regarding the concentration to the participating undertaking or undertakings. The objections presented shall include a statement of reasons.

4. An undertaking may present its standpoint with respect to the objections within 14 days from the date of service thereof. The President of the Office shall extend this time limit by a maximum of 14 days upon an undertaking's justified request.

5. The President of the Office may present to the undertaking or undertakings participating in a concentration the conditions referred to in Article 19 paragraph 2. The provisions of paragraph 4 shall apply accordingly.

6. An undertaking participating in a concentration may present conditions referred to in Article 19 paragraph 2 and make a commitment to fulfil them. Those conditions may also be presented in a statement made by the undertaking as to its standpoint regarding the conditions proposed by the President of the Office.

7. If an undertaking fails to present its standpoint, or the undertaking's standpoint with respect to the conditions proposed by the President of the Office is negative, or the President of the Office does not accept the conditions proposed by the undertaking, the decision referred to in Article 20, paragraph 1 shall be issued.

8. Waiting periods for the following shall not be counted in the time limit specified in paragraph 11:

1) providing missing or additional information needed as specified in Article 95, paragraph 1 subparagraph 3;
2) a statement of standpoint with respect to the objections presented by the President of the Office, which are referred to in paragraph 3, or the conditions referred to in Article 19 paragraph 2.

9. Where the undertaking presents conditions referred to in Article 19 paragraph 2, the time limit referred to in paragraph 1 shall be extended by 14 days**.**

Article 97. 1. Undertakings subject to an obligation to submit notification of the intent to concentrate are required to refrain from implementing the concentration until the President of the Office has issued a decision or the time limit in which such a decision should be issued has expired.

2. The legal transaction by which the concentration is to be implemented may be performed under condition of the issuance by the President of the Office, by way of a decision, of clearance for the concentration, or once the time limits referred to in Article 96 or in Article 96a have expired.

Article 98. The realisation of a public offer to purchase or exchange shares, notified to the President of the Office under the procedure stipulated in Article 13 paragraph 1, shall not constitute an infringement of the obligation referred to in Article 97 paragraph 1, provided that the buyer does not exercise the voting rights attached to the acquired stocks or exercises them solely in order to maintain the full value of its capital investment or to prevent substantial damage that might be suffered by the undertakings participating in the concentration.

Article 99. In cases where the decision referred to in Article 21 paragraph 1 or 4 has not been executed, the President of the Office may, by way of a decision, divide an undertaking. Division of a company is regulated accordingly by Articles 528 to 550 of the Act of 15 September 2000 - Code of Commercial Partnerships and Companies (Journal of Laws of 2013, item 1037, as amended). The President of the Office shall have the powers of bodies of the companies participating in the division. The President of the Office may also apply to the court for annulment of agreements or for other legal remedies to be applied aimed at restoring the previous status.

Chapter 3a

Proceedings in cases concerning classification of clauses in standard agreements as abusive

Article 99a. 1. A consumer, consumer ombudsman, the Polish Insurance Ombudsman, a consumer organisation or a foreign organisation registered on the list of organisations which have the power, in European Union Member States, to file a request for proceedings to be instituted concerning classification of clauses in standard agreements as abusive, published in the Official Journal of the European Communities, where the object of its activity warrants its submitting a notification concerning standard agreements used in the Republic of Poland which jeopardise collective consumer interests in the Member State where the organisation has its seat, may submit notification to the President of the Office in writing of suspected infringement of the prohibition referred to in Article 23a.

2. The notification referred to in paragraph 1 shall state:

1) the undertaking alleged to have used abusive clauses in a standard agreement;
2) the facts being the basis for the notification;
3) the clause in the standard agreement that is an infringement of the prohibition referred to in Article 23a;
4) facts rendering plausible infringement of the prohibition specified in Article 23a;
5) details identifying the party filing the notification.

3. Article 86 paragraphs 3 and 4 shall apply.

Article 99b. 1. Any person with respect to whom proceedings concerning classification of clauses in standard agreements as abusive have been instituted shall be a party to proceedings.

2. The President of the Office issues a resolution instituting proceedings concerning classification of clauses in standard agreements as abusive and shall inform the parties of the same.

Article 99c. 1. The President of the Office may admit a party entitled to file a notification to proceedings as an interested party if the President of the Office believes that the party's participation in the proceedings may help with investigation of the case.

2. Admission to proceedings as an interested party is granted at the request of an entity entitled to file the notification.

3. A party is refused or allowed admission to proceedings as an interested party by way of a resolution, which can be subject to complaint.

4. The President of the Office shall notify a party of admission of an interested party to proceedings.

5. An interested party is entitled to file documentation and explanations as to the facts of a case.

6. An interested party is entitled to review the case files.

7. The President of the Office shall inform an interested party of the manner in which a case is handled. A party of this kind is not entitled to file an appeal against a decision.

Article 99d. The President of the Office may rule that a decision is immediately enforceable in whole or in part where an important consumer interest so warrants.

Article 99e. Proceedings in cases concerning classification of clauses in standard agreements as abusive should not last longer than 4 months, and as regards particularly complex issues, no longer than 5 months from the date of the institution thereof. Articles 35-38 of the Code of Administrative Procedure of 14 June 1960 shall apply accordingly.

Article 99f. Proceedings shall not be instituted in cases concerning classification of clauses in standard agreements as abusive where three years have passed since the end of the year in which the abusive clauses ceased to be applied.

Chapter 4

Proceedings concerning practices infringing collective consumer interests

Article 100. 1. Any person may submit to the President of the Office a notification in writing concerning suspected use of practices infringing collective consumer interests.

2. The notification referred to in paragraph 1 may also be submitted by a foreign organisation registered on the list of organisations which have the power, in European Union Member States, to file a request for proceedings to be instituted, published in the Official Journal of the European Communities, where the object of its activity warrants its submitting a notification concerning an infringement resulting from unlawful omissions or actions performed in the Republic of Poland, which jeopardise collective consumer interests in the Member State where the organisation has its seat.

3. The provisions of Article 86, paragraphs 2 to 4 shall apply accordingly.

Article 101a. 1. If during a proceeding concerning practices infringing collective consumer interests it has been rendered plausible that any further application of the alleged practice may cause serious threats to collective consumer interests which it would be difficult to remedy, the President of the Office may, prior to completion of the proceedings concerning practices infringing collective consumer interests, by way of a decision, require the undertaking alleged to be applying a given practice to cease the specific conduct, in order to prevent those threats. Filing of an appeal shall not stay execution of the said decision. Prior to issuing the decision, no right shall be vested in the party concerned to express its standpoint as to the evidence and materials gathered, or demands submitted, as referred to in Article 10 of the Code of Administrative Procedure of 14 June 1960.

2. In the decision referred to in paragraph 1, the President of the Office shall specify the period for which it is binding. The decision shall not be binding beyond the time a decision concluding the proceedings regarding the case is issued.

3. The President of the Office may extend, by way of a decision, the period for which the decision referred to in paragraph 1 is binding. The second sentence of paragraph 2 shall apply accordingly.

4. In the decision referred to in paragraph 1, the fine referred to in Article 106 paragraph 1

subparagraph 4 shall not be imposed.

5. Article 89 paragraphs 5 and 6 shall apply accordingly.

Article 101. Article 101. 1. Any person against whom proceedings concerning practices infringing collective consumer interests are instituted shall be a party to such proceedings.

2. The President of the Office shall issue a resolution instituting proceedings concerning practices infringing collective consumer interests and the President of the Office shall notify the parties of this fact.

Article 102. (repealed)

Article 103. The President of the Office may rule that a decision is immediately enforceable in whole or in part where an important consumer interest so warrants.

Article 104. Proceedings concerning practices infringing collective consumer interests shall be concluded within 4 months, and in particularly complicated cases no later than within 5 months from the day on which they are instituted. The provisions of Articles 35 to 38 of the Act of 14 June 1960 - Code of Administrative Procedure shall apply accordingly.

Article 105. No proceedings concerning practices infringing collective consumer interests shall be instituted where three years have passed from the end of the year in which such practices were discontinued.

Chapter 5

Inspection and search in the course of proceedings before the President of the Office

Article 105a. 1. In the course of proceedings before the President of the Office, an inspection may be held at any undertaking, hereinafter referred to as the "inspected party", within the scope of such proceedings, by an authorised employee of the Office or the Trade Inspection Authority, hereinafter referred to as the "party conducting the inspection".

2. The President of the Office may authorise the following persons to participate in the inspection:

1) employee of a competition authority of a Member State in the case referred to in Article 22 of Regulation No. 1/2003/EC;
2) employee of the applicant authority within the meaning of point (f) of Article 3of Regulation No. 2006/2004/EC in instances referred to in Article 6, paragraph 3 thereof;
3) persons in possession of specific information if such information is required to conduct the inspection.

3. With respect to matters falling within the competencies of branch offices or with respect to matters entrusted to branch offices by the President of the Office pursuant to Article 33, paragraphs 4 and 5, employees of the branch offices shall conduct inspections on the basis of authorisation from the director of the branch office issued on behalf of the President of the Office.

4. Authorisation to conduct or to participate in the inspection shall specify:

1) inspecting authority;
2) legal basis;
3) date and place of issue;
4) first and last name and position of the party conducting the inspection and number of such party's official identification card; if persons referred to in paragraph 2 are authorised to participate in the inspection – first and last names of such persons, and number of their passport or other form of identification;
5) inspected party;

6) scope of the inspection with regard to its subject matter, including the period covered by the inspection;
7) inspection commencement date and envisaged completion date;
8) signature of the person issuing the authorisation, with details of such person's position or function;
9) rights and obligations of the inspected party.

5. The authorisation to conduct an inspection referred to in paragraph 1 may be issued, as appropriate, by the President of the Office as well as, upon the President of the Office's request, regional inspectors of the Trade Inspection Authority.

6. The party conducting an inspection shall serve the authorisation to conduct the inspection to the inspected party or a person authorised thereby and present their official identification card, whereas persons authorised to participate in the inspection as described in paragraph 2 shall present their personal identification card, passport, or other identification document.

7. If the inspected party or persons authorised thereby are absent, the authorisation to conduct the inspection, and official identification card, personal identification card, passport or other form of identification may be presented to another employee of the inspected party who may be considered to be a person referred to in Article 97 of the Act of 23 April 1964 - Civil Code, or to a witness who should be a public official, but not an employee of the inspecting authority. In such circumstances, the authorisation shall be served to the inspected party promptly, but not later than three days from the day the inspection is instituted.

Article 105b. 1. In order to obtain information that may constitute case evidence, the party conducting the inspection shall be authorised to:

1) enter land and buildings, units within premises, or other areas within premises and means of transport held by the inspected party;
2) request access to files, records, all kinds of official letters and documents and copies and extracts thereof, electronic correspondence, information technology data carriers within the meaning of regulations on computerisation of operations of entities performing public tasks, other devices containing information technology data, or of information technology systems, including access to information technology systems owned by another party containing data belonging to the inspected party, related to the subject matter of the inspection, to the extent that the inspected party has access thereto;
3) make notes from the materials and correspondence referred to in subparagraph 2;
4) request the inspected party to make copies or printouts of materials, correspondence referred to in subparagraph 2, as well as information collected on the carriers and in devices or systems referred to in subparagraph 2;
5) request the persons referred to in Article 105d, paragraph 1 to provide oral explanations on the subject matter of the inspection;
6) request the persons referred to in Article 105d, paragraph 1 to provide access to and hand over other items that may be evidence in the case**.**

2. A person authorised to participate in an inspection pursuant to Article 105a, paragraph 2 shall have the same powers as a party conducting an inspection with respect to access to land and buildings, units within premises, or other areas within premises, and means of transport held by the inspected party and access to materials, correspondence and information collected on the carriers and in devices or systems referred to in paragraph 1 subparagraph 2, and to make notes of their content, and shall be entitled to participate jointly with the party conducting the inspection in the search referred to in Article 91 and in Article 105n.

3. In the course of an inspection, the party conducting the inspection may be assisted by officers of other state inspection authorities or the Police. State inspection authorities or the Police shall perform actions on instructions of the party conducting the inspection.

4. In justified cases, the proceedings during an inspection or any specific actions performed

during an inspection may be recorded with video or audio equipment. IT data carriers within the meaning of the legislation on computerisation of activities of entities carrying out public tasks, on which the proceedings during inspections or any specific operations performed during an inspection have been recorded, shall be attached to the inspection report.

Article 105c. 1. (repealed)

Article 105d. 1. The inspected party, a person authorised thereby, a person in possession of a residential unit, area within premises, real property or means of transport referred to in Article 91 paragraph 1 has an obligation to:

1) provide the requested information;

provide access to land and buildings, units within premises, or other areas within premises and means of transport;

2) provide access to and hand over materials referred to in Article 105b paragraph 1 subparagraph 2, or other items that may constitute evidence in the case.

3) provide access to computer data carriers, devices or computer systems referred to in Article 105b paragraph 1 subparagraph 2, with regard to information stored on such carriers, in devices or systems, including electronic correspondence**.**

2. The persons referred to in paragraph 1 may refuse to provide information or cooperate during an inspection only where this could lead to criminal liability for themselves or their spouses, ascendants, descendants, siblings or relatives in the same line or degree, as well as persons who are adopted, in the care, or under the guardianship thereof or life partners. The right to refuse to provide information or cooperate during an inspection shall survive a marriage or a relationship of adoption, care or guardianship .

Article 105e. 1. The inspected party shall provide the party conducting the inspection and persons authorised to participate in the inspection with conditions and facilities required for efficient performance of the inspection, and in particular the inspected party shall:

1) prepare by itself copies or printouts of materials and correspondence, referred to in Article 105b paragraph 1 subparagraph 2, as well as information stored on carriers, in devices or in systems referred to in that provision;
2) provide, if possible, a separate lockable room if this is required in order to conduct the inspection;
3) provide a separate place for storing documents and secured items;
4) provide access to means of communication at its disposal to the extent required to perform inspection-related actions.

2. The inspected party shall confirm copies of documents and printouts as true copies of the original. In the event of refusal to provide such confirmation this shall be done by the party conducting the inspection, and this fact shall be noted in the inspection report.

Article 105f. 1. The parties conducting the inspection or persons authorised to participate in the inspection shall ascertain facts on the basis of evidence collected during the inspection, in particular documents, items, examinations , and oral or written explanations and statements and other data carriers.

2. The evidence referred to in paragraph 1 may be secured by way of:

1) storing such evidence in premises which are closed off or separate, locked, and to which a seal is applied, on the property of the inspected party;
2) submission, with signed confirmation of receipt issued to the inspected party, for storage in

the premises of the Office or a regional inspectorate of the Trade Inspection Authority.

Article 105g. 1. During the inspection referred to in Article 105a paragraph 1, the President of the Office may issue a resolution ordering seizure of files, records, any kinds of official letters, documents, correspondence, or data carriers, devices referred to in Article 105b paragraph 1 subparagraph 2, and other items that may constitute evidence in a case, for a period necessary to conduct the inspection, however not longer than 7 days.

2. A person in possession of the items referred to in paragraph 1 shall be requested by the party conducting the inspection to hand over the items voluntarily, and, if this is refused, such items may be seized in accordance with the procedure specified in provisions on administrative enforcement proceedings.

3. Persons whose rights have been infringed shall be entitled to submit a complaint concerning a resolution ordering seizure of the items. Filing of a complaint shall not stay execution of the resolution.

4. The provisions of paragraphs 1 to 3 shall not apply to the securing, at the inspection site, for the purpose of performing actions during an inspection, of files, records, any other types of official letters**,** documents, correspondence, information technology data carriers, and devices referred to in Article 105b paragraph 1 subparagraph 2**,** and other items that may constitute evidence in the case, and to the premises of the inspected party in which such documents or items are stored.

Article 105h. 1. After a visual inspection has been conducted and a seizure report drawn up, the items to be seized as described in Article 105g, paragraph 1, shall be removed or deposited with a trustworthy person, subject to stipulation of the obligation to present them at the request of the authority carrying out the proceedings.

2. The seizure report shall state the case to which the seizure is related, the exact time at which actions are commenced and completed, a precise list of the items seized, and, to the extent required, a description thereof as well as reference to the resolution issued by the President of the Office to perform the seizure. The report shall be signed by the parties performing the seizure and a representative of the inspected party.

3. The person performing the seizure has an obligation to immediately provide the interested parties with a confirmation of receipt specifying the items that were seized and by whom, and to promptly notify the undertaking whose items have been seized of that seizure.

4. Seized items shall be returned promptly upon it being determined that they are not necessary for the proceedings, or upon the Court of Competition and Consumer Protection revoking a resolution ordering seizure of such items, however not beyond the time limit referred to in Article 105g paragraph 1.

Article 105i. 1. Without instituting separate proceedings, the President of the Office may carry out an inspection or a search pursuant to Article 105n, or request consent to carry out a search on the basis of Article 91, upon the request of the European Commission or an competition authority of another Member State of the European Union, in the case described in Article 22 of Regulation No. 1/2003/EC and in Article 12 of Regulation No. 139/2004/EC.

2. In the case referred to in paragraph 1, the President of the Office may authorise the following persons to participate in an inspection or search:

1) employee of the Office;
2) employee of the European Commission or of a competition authority of a Member State of the European Union;
3) persons possessing special knowledge, if such information is necessary to perform the inspection**.**

3. Where the undertaking or a person authorised to represent the undertaking, or a person in possession of a residential unit, area within premises, real property or means of transport referred to in Article 91 paragraph 1, object to an inspection by the European

Commission in the course of proceedings conducted on the basis of provisions of Regulation No. 1/2003/EC or Regulation No. 139/2004/EC, the persons authorised by the President of the Office to participate in the inspection, as referred to in paragraph 2 subparagraphs 1 and 3, shall have - in the course of the inspection – the powers referred to in Article 105b, Articles 105f to 105h, Article 105n and Article 105o. The provisions of Article 91 shall apply.

Article 105ia. 1. In order to obtain information that may constitute evidence concerning practices infringing collective consumer interests, the party conducting the inspection shall be authorised to take steps to purchase a product.

2. An official identity card giving authorisation to perform inspection activities be produced for, and authorisation to conduct the inspection, and the court permission referred to in paragraph 4 shall be served to, the inspected party or to a person authorised by the inspected party, promptly upon completion of the activities referred to in paragraph 1.

3. The proceedings referred to in paragraph 1 may be recorded using visual or audio equipment without informing the inspected party. information technology data carriers within the meaning of regulations on computerisation of operations of entities performing public tasks on which the proceedings during an inspection or any specific actions performed during an inspection are recorded shall be attached to the inspection report. The inspected party shall be informed that the proceedings referred to in paragraph 1 were recorded promptly upon completion of the actions referred to in the first sentence.

4. The actions referred to in paragraphs 1 and 3 require consent of the Court of Competition and Consumer Protection, given at the request of the President of the Office.

5. The Court of Competition and Consumer Protection shall issue the resolution referred to in paragraph 4 within 48 hours. A resolution of that kind is not subject to complaint.

Article 105j. 1. The proceedings during an inspection shall be recorded by the party conducting the inspection in an inspection report.

2. The inspection report shall specify in particular:

1) name or first and last name and address of the inspected party;
2) date of commencement and completion of the inspection;
3) first and last name and position of the party conducting the inspection;
4) the subject matter and scope of the inspection;
5) facts ascertained during the inspection;
6) information regarding attachments;
7) instructions given to the inspected party regarding their rights to submit objections to the report and the right to refuse to sign the report.

3. The evidence collected in the course of the inspection shall be attached to the inspection report.

Article 105k. 1. The inspection report shall be signed by the party conducting the inspection and the inspected party.

2. Within seven days from being presented with the report, an inspected party may submit written objections concerning the report prior to signing the report.

3. If objections referred to in paragraph 2 are submitted, the party conducting the inspection shall make an analysis thereof and, if required, take additional inspection-related measures; if the objections are found to be justified, the party conducting the inspection shall amend or make additions to the relevant part of the report in the form of an annex to the report.

4. If the objections are rejected in whole or in part, the party conducting the inspection shall notify the inspected party thereof in writing.

5. Refusal to sign the report shall be noted in the report by the party conducting the inspection.

6. The report shall be made in two counterparts, one of which shall remain with the

inspected party with the exception of the evidence kept by the inspected party.

Article 105l. Inspection of business operations of an undertaking shall be subject to the provisions of chapter 5 of the Act of 2 July 2004 on Freedom of Business Activity (Journal of Laws of 2007, No. 155, item 1095, as amended).

Article 105m. 1. The entity referred to in Article 105b paragraph 1 subparagraph 2, whose rights have been infringed in the course of an inspection, may file a complaint with the Court of Competition and Consumer Protection regarding inspection activities which exceed beyond the subject matter of the inspection, or other inspection activities taken in infringement of the law, within 7 days of those activities being performed.

2. Filing a complaint shall not stay an inspection.

3. The complaint shall be filed with the Court of Competition and Consumer Protection via the President of the Office, who shall deliver it together with a response to the court within 7 days from the day on which the complaint is filed.

4. The Court of Competition and Consumer Protection shall review the complaint within 7 days from the day it is delivered by the President of the Office. The court shall include a statement of reasons with its ruling ex officio. The court's ruling is subject to complaint to be filed with the court of second instance.

5. Where the complaint is allowed by the Court of Competition and Consumer Protection, evidence obtained as a result of the inspection activity to which the complaint relates must not be used as evidence in the proceedings concerned, other proceedings conducted by the President of the Office, and proceedings conducted on the basis of separate provisions.

Article 105n. 1. In cases of competition-restricting practices, in the course of preliminary proceedings and antitrust proceedings, in order to find and obtain information from files, records, official letters, any kind of documents or information technology data carriers, systems, and devices, and other items that might be evidence in the case, the President of the Office may conduct a search of the undertaking's premises and items, if there are grounds for assuming that the information or items concerned are in those places.

2. A search shall require consent of the Court of Competition and Consumer Protection given at the request of the President of the Office.

3. The President of the Office may file a request to conduct a search in the course of preliminary proceedings only if there is reasonable cause to suspect infringement of the law, in particular where evidence may be lost.

4. The Court of Competition and Consumer Protection shall issue a ruling in the case referred to in paragraph 2, within 48 hours. The ruling of the Court of Competition and Consumer Protection shall not be subject to complaint**.**

Article 105o. In order to obtain information that may constitute evidence in a case, the party conducting a search shall be entitled to make notes, including copies and printouts, from materials and correspondence referred to in Article 105b paragraph 1 subparagraph 2, and of information stored on carriers and in devices or systems referred to in the provision concerned**.**

Article 105p. An party subjected to a search and persons whose rights have been breached in the course of a search, may file a complaint with the Court of Competition and Consumer Protection regarding search-related activities that exceed the subject matter of the search, or other search-related activities conducted in infringement of the law, within 7 days from those other activities being performed. The provisions of Article 105m paragraphs 2 to 5 shall apply accordingly**.**

Article 105q. The following provisions shall apply to the search referred to in Article 105n:

1) Article 105a paragraphs 2 to 7, Article 105b, Articles 105d to 105h, Article 105j and Article 105k;
2) Article 80a paragraph 1 and the first sentence of Article 80b of the Act of 2 July 2004 on Freedom of Business Activity, with regard to issues not regulated in this chapter;
3) Article 180, Article 224 § 1, Article 225, Article 226 and Article 236a of the Act of 6 June 1997 Code of Penal Procedure; the court with jurisdiction for the purposes of application of these provisions shall be the Court of Competition and Consumer Protection.

SECTION VII

Fines

Chapter 1

Imposing fines

Article 106. 1. The President of the Office may impose upon an undertaking, by way of a decision, a maximum fine of 10% of the turnover generated in the financial year preceding the year in which the fine is imposed, if the undertaking has, even if unintentionally:
1) infringed the prohibition provided for in Article 6, where not excluded under Articles 7 and 8, or infringed the prohibition provided for in Article 9;
2) infringed Article 101 or Article 102 of the TFEU;
3) performed a concentration without obtaining consent from the President of the Office;
3a) infringed the prohibition provided for in Article 23a;
4) infringed the prohibition provided for in Article 24.

2. The President of the Office may also impose upon an undertaking, by way of a decision, a fine of the equivalent of EUR 50,000,000, if the undertaking has, even unintentionally:
1) provided incorrect data in the application referred to in Article 23 or in the notification referred to in Article 94 paragraph 2;
2) failed to provide information requested by the President of the Office pursuant to Article 10 paragraph 9, Article 12, paragraph 3, Article 19, paragraph 3, Article 23c, paragraph 3, Article 28, paragraph 3, or Article 50, or provided incorrect or misleading information;
3) prevented or hindered commencement or conducting of an inspection on the basis of Article 105a or Article 105i, including failing to comply with obligations provided for in Article 105d, paragraph 1, or in Article 105e, paragraph 1;
4) prevented or hindered commencement or conducting of a search on the basis of Article 91 or Article 105n, including failing to comply with the obligations provided for in Article 105d paragraph 1, or in Article 105e paragraph 1;

3. The turnover referred to in paragraph 1 shall be calculated as the sum of:
1) revenues recorded in the profit and loss account - in the case of undertakings preparing such accounts on the basis of provisions on accountancy;
2) revenues recorded in the annual financial statement equivalent to a profit and loss account prepared on the basis of provisions on accountancy or in another document summarising the revenue obtained in the financial year, including a budget statement - in the case of undertakings not preparing profit and loss accounts on the basis of provisions on accountancy;
3) documented revenues generated during the financial year, in particular revenues from sales of products, goods or materials, financial revenues as well as revenues from activity performed on the basis of the statute or another document specifying the scope of the undertaking's activity, as well as amounts of subsidies obtained by the undertaking in view of its activity - in the case of lack of the documents referred to in subparagraphs 1 and 2;
4) own incomes decreased by tax revenues, in the case of municipalities, districts and regions.

4. Where an undertaking is created by way of a merger or transformation of other undertakings, when calculating the turnover referred to in paragraph 1, the President of the Office shall consider the turnover gained by these undertakings during the financial year preceding the year in which the fine is imposed.

5. Where an undertaking did not achieve turnover or achieved turnover not exceeding the equivalent of EUR 100,000 in the financial year preceding the year in which the fine is imposed, when imposing a fine pursuant to paragraph 1 the President of the Office shall take into account the average turnover achieved by the undertaking over the three consecutive financial years preceding the year in which the fine is imposed.

6. Where, in the three-year period referred to in paragraph 5, an undertaking did not achieve turnover or achieved turnover not exceeding the equivalent of EUR 100,000, the President of the Office may impose upon the undertaking, by way of a decision, a fine not exceeding the equivalent of EUR 10,000.

7. Where the undertaking, prior to issue of the decision, is not capable of presenting financial data necessary to determine the turnover for the financial year preceding the year in which the fine is imposed, the President of the Office, when imposing the fine under paragraph 1, shall take into consideration:

1) turnover achieved by the undertaking during the financial year preceding the year concerned;
2) in the situation referred to in paragraph 5 - the average turnover achieved by the undertaking over the three consecutive financial years preceding the year concerned. Paragraph 6 shall apply accordingly.

Article 106a. 1. The President of the Office may impose upon the managing person referred to in Article 6a a maximum fine of PLN 2,000,000, if such person has intentionally allowed the undertaking to infringe the prohibitions provided for in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU.

2. The fine referred to in paragraph 1 may be imposed upon a managing person only in a decision imposing on the undertaking the fine referred to in Article 106 paragraph 1 subparagraph 1 or 2.

3. The fine referred to in paragraph 1 shall not be imposed if a managing person who is an entrepreneur has been fined under Article 106 paragraph 1 subparagraph 1 or 2 for the same infringement of prohibitions described in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU**.**

Article 107. The President of the Office may impose upon an undertaking, by way of a decision, a maximum fine of the equivalent of EUR 10,000 for each day of delay in compliance with decisions issued pursuant to Article 10, Article 12, paragraph 1, Article 19, paragraph 1, Article 20, paragraph 1, Article 21, paragraphs 2 and 4, Article 23b, Article 23c, paragraph 1, Article 26, Article 27, paragraph 2, Article 28, paragraph 1, Article 89, paragraphs 1 and 3, and Article 101a, paragraphs 1 and 3, resolutions issued pursuant to Article 105g, paragraph 1 or court judgements in cases concerning competition-restricting practices, practices infringing collective interests of consumers, use of abusive clauses in standard agreements, and concentration. The fine shall be imposed counting from the date specified in the decision.

Article 108. 1. The President of the Office may, by way of a decision, impose on a person holding a managerial position or being a member of a managing body of an undertaking, a maximum fine of fifty times the average remuneration, if such a person, acting intentionally or unintentionally, has not:

1) complied with any decisions, resolutions, or judgements referred to in Article 107;
2) submitted a notification of the intent to concentrate referred to in Article 13;

2. The President of the Office may, by way of a decision, impose on a person holding a

managerial position or being a member of a managing body of an undertaking, a fine in the amount referred to in paragraph 1, if the person concerned:

1) prevents or hinders commencement or conducting of an inspection on the basis of Article 105a or Article 105i;
2) prevents or hinders commencement or conducting of a search on the basis of Article 91 or Article 105n.

3. The President of the Office may, by way of a decision, impose a fine in the amount referred to in paragraph 1, on:

1) a person authorised by an inspected party or by a party subject to a search, referred to in Article 105a paragraph 6, a person in possession of a residential unit, area within premises, real property or means of transport referred to in Article 91 paragraph 1, for:
   a) providing, in the course of an inspection or search, untrue or misleading information required by the President of the Office,
   b) preventing or hindering commencement or conducting of an inspection on the basis of Article 105a or Article 105i, including failing to comply with the obligations referred to in Article 105d paragraph 1 or Article 105e paragraph 1,,
   c) preventing or hindering commencement or conducting of a search on the basis of Article 91 or Article 105n, including failure to comply with the obligations referred to in Article 105d paragraph 1, or in Article 105e paragraph 1**,**
2) a person referred to in Article 105a paragraph 7, being the inspected party's employee, for preventing or hindering submission of documents specified in that provision.

4. Where a person authorised by an inspected party or by a party subject to a search, referred to in Article 105a paragraph 6, or a person referred to in Article 105a paragraph 7, being an employee of the inspected party, holds a managerial position or is a member of a managing body of an undertaking, paragraph 3 shall constitute the basis for a fine imposed by the President of the Office.

5. The President of the Office may, by way of a decision, impose a maximum fine of PLN 20,000 upon anybody who has copied documents referred to in Article 70 paragraph 4 without the written consent of the undertaking or a managing person as specified in that provision, or used information obtained due to access to such documents for a purpose other than the conducted proceedings or court proceedings as a result of an appeal being lodged in such case, except for use of such information for the purposes of penal proceedings or fiscal penal proceedings.

6. The President of the Office may, by way of a decision, impose a maximum fine of PLN 5,000, on:

1) a witness for refusal to give testimony without a valid reason or not appearing, without a valid reason, when summoned by the President of the Office;
2) an expert for refusal to submit an opinion without a valid reason or for not appearing, without a valid reason, when summoned by the President of the Office;

Article 109. 1. (repealed)

Article 110. 1. (repealed)

Article 111. 1. When determining the amount of a fine to be imposed, the President of the Office shall take into consideration, in particular, circumstances of the infringement of the provisions of this Act, and previous infringements of provisions of this Act, and, in the case of a fine referred to in:

1) Article 106 paragraph 1 and in Article 108 paragraph 1 subparagraph 2 – the duration, degree and market consequences of infringement of the provisions of this Act, the degree of infringement being assessed by the President of the Office taking into consideration the

nature of the infringement, the undertaking's business activity being the subject of the infringement, as well as - in the cases referred to in Article 106 paragraph 1 subparagraphs 1 to 3, and in Article 108 paragraph 1 subparagraph 2 – the specific nature of the market on which the infringement took place;

2) Article 106a - degree of influence of a managing person's conduct on the infringement committed by the undertaking, revenue obtained by the managing person at the undertaking concerned, having regard for the period of infringement, as well as the duration and market consequences of the infringement;

3) Article 106 paragraph 2 and in Article 108 paragraphs 2 and 3 – the influence of the infringement on the course of the proceedings and the conclusion date;

4) Article 107 and in Article 108 paragraph 1 subparagraph 1 - market consequences of failing to comply with decisions, resolutions or judgments referred to in Article 107.

2. When determining the amount of fines according to paragraph 1, the President of the Office shall take into consideration the mitigating or aggravating circumstances of the case.

3. The mitigating circumstances as referred to in paragraph 2 shall be in particular:

1) in the case of infringement of prohibition of competition-restricting practices:
   a) voluntary remedy of consequences of the infringement,
   b) discontinuing the prohibited practice prior to or immediately after institution of proceedings,
   c) performing activities at one's own initiative in order to cease the infringement or to remedy the consequences thereof,
   d) cooperation with the President of the Office in the course of the proceedings, in particular contributing to the proceedings being conducted quickly and efficiently,
   e) the undertaking's passive role in infringing the prohibition of competition-restricting agreements, including the undertaking's avoiding implementation of provisions of a competition-restricting agreement,
   f) acting under duress - in the case of infringement of prohibition of competition-restricting practices;
2) in the case of infringement of prohibition of practices infringing collective consumer interests or use of abusive clauses in standard agreements - circumstances referred to in subparagraph 1 points (a) to (d);
3) in the case of a managing person allowing an undertaking to infringe prohibitions referred to in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU:
   a) acting under duress;
   b) contributing to the undertaking's voluntary remedy of consequences of the infringement,
   c) contributing to ceasing the prohibited practice by the undertaking at that person's own initiative prior to or promptly after institution of the proceedings,
   d) circumstances referred to in subparagraph 1 points (c) and (d);
4) in the case of failure to submit notification of the intent to concentrate as referred to in Article 13 - informing the President of the Office that the concentration has been performed and circumstances referred to in subparagraph 1 point d.

4. The aggravating circumstances as referred to in paragraph 2 shall be:

1) in the case of infringement of the prohibition of competition-restricting practices:
   a) role of the leader or initiator of the competition-restricting agreement or inducing other undertakings to participate in the agreement - in the case of infringement of competition-restricting agreements,
   b) forcing, exerting pressure or application of retaliatory measures with respect to other undertakings or persons in order to implement or continue the infringement,
   c) previous similar infringement,
   d) intentionality of the infringement;

2) in the case of infringement of the prohibition of practices infringing collective consumer interests or use of abusive clauses in standard agreements:
   a) considerable territorial range of the infringement or the effects thereof,
   b) considerable profits obtained by the undertaking in connection with the infringement,
   c) circumstances referred to in subparagraph 1 points (c) and (d);
3) in the case of a managing person allowing an undertaking to infringe the prohibitions referred to in Article 6 paragraph 1 subparagraphs 1 to 6 of this Act or in Article 101 paragraph 1 items (a) to (e) of the TFEU:
   a) role of the organiser or initiator of the competition-restricting agreement or inducing other undertakings or persons to participate in the agreement,
   b) considerable profits obtained by the managing person in connection with the infringement,
   c) circumstances referred to in subparagraph 1 points (b) and (c);
4) in cases of failure to notify the intent to concentrate as referred to in Article 13 - circumstances referred to in subparagraph 1 points c and d.

Article 112. 1 (repealed)

2. Funds from the fines referred to in Articles 106 to 108 shall constitute revenue of the state budget.

3. A fine shall be paid within 14 days from the day on which the decision issued by the President of the Office becomes legally binding.

4. If the time limit referred to in paragraph 3 expires to no avail, the fine shall be subject to collection in accordance with the procedure specified in provisions on administrative enforcement proceedings.

5. In cases of late payment of a fine, interest shall not be charged.

6. In cases where a legally binding decision annulling a fine or decreasing a fine is set aside or amended, the paid fine shall be returned in whole or in part within 14 days from the date of delivery of the demand for return of the fine, together with the court's ruling and - where appropriate - confirmation that the ruling is legally binding. Interest shall not be charged in the case of refund of a fine**.**

Article 113. 1. At the request of an undertaking, managing person or other persons referred to in Article 108, the President of the Office may defer the payment of the fine or establish an instalment plan for payment of the fine, due to important interests of the applicant.

2. A statement of reasons describing the important interests of the applicant shall be enclosed with the request.

3. If a fine is deferred or an instalment plan for payment of the fine established, the President of the Office shall charge interest on an annual basis on the unpaid amount, at a rate of 50% of the rate of default interest, published under Article 56 § 3 of the Act of 29 August 1997 - Tax Ordinance (Journal of Laws of 2012, item 749, as amended), as of the day following the day on which the request is filed.

4. Where an instalment plan for payment of a fine is established, the interest referred to in paragraph 3 shall be charged on each instalment separately.

5. Interest shall be charged for the period up until the day the deferred time limit to pay the fine or time limit to pay each instalment has expired.

6. The President of the Office may annul the deferment of payment of a fine, or an instalment plan for payment of a fine, where new or previously unknown circumstances have come to light which are relevant to the resolution of a case, or where an instalment has not been paid within the time limit.

7. The President of the Office shall decide on deferment of a fine or establishing of an instalment plan in the form of a resolution not subject to complaint.

Chapter 2

Total immunity from fines or a reduction in fines in cases of competition-restricting agreements

Article 113a. An undertaking which has entered into an agreement referred to in Article 6 paragraph 1 of this Act or in Article 101 of the TFEU, may submit, to the President of the Office an application for total immunity from fines or a reduction in fines, hereinafter referred to as the "application".

2. The application shall contain a description of the agreement, indicating in particular:

1) undertakings who concluded the agreement;
2) goods or services covered by the agreement;
3) territory covered by the agreement;
4) object of the agreement;
5) circumstances in which the agreement was concluded;
6) circumstances and method by which the agreement has been functioning;
7) duration of the agreement;
8) role of particular undertakings participating in the agreement;
9) first names, last names and official positions of persons playing key roles in the agreement, together with a description of the role;
10) whether or not the application has also been submitted with competition authorities of Member States of the European Union or with the European Commission.

3. The undertaking referred to in paragraph 1 shall not be permitted to disclose the intention to submit the application.

4. The President of the Office shall confirm the date and time of filing of the application.

5. From the moment the application is submitted the applicant has an obligation to cooperate fully with the President of the Office, in particular:

1) to promptly provide, at its own initiative and upon the demand of the President of the Office, any and all evidence or information regarding the agreement relevant to the case, which it holds or may hold;
2) not to hinder employees of the undertaking and persons in managerial positions or belonging to the undertaking's managing body in the giving of explanations;
3) not to destroy, fabricate or conceal evidence or information related to the case;
4) not to disclose the fact that the application has been submitted, without the consent of the President of the Office.

6. An applicant who has not ceased participation in the agreement before filing the application is under an obligation to cease participation immediately after such application is submitted**.**

Art. 113b. The President of the Office shall grant full immunity, as referred to in Article 106 paragraph 1 subparagraph 1 or 2, to an undertaking which has entered into an agreement referred to in Article 6 paragraph 1 or in Article 101 of the TFEU, where the undertaking concerned has fulfilled all of the following requirements:

1) it was the first of the participants of the agreement to submit an application meeting the requirements specified in Article 113a paragraph 2, and to fulfil the conditions specified in Article 113a paragraphs 3, 5 and 6;
2) it has submitted:
   a) evidence sufficient to institute antitrust proceedings, or information enabling the President of the Office to obtain such evidence, or

b) if the application was submitted following institution of the antitrust proceedings - evidence that will significantly contribute to issue of the decision referred to in Article 10, or - upon the request of the President of the Office - information making it possible to obtain such evidence

- - provided that the President of the Office was not in possession of such information or evidence at that time;

3) it has not coerced other undertakings into participating in the agreement.

Article 113c. 1. If an undertaking which entered into an agreement referred to in Article 6 paragraph 1 or in Article 101 of the TFEU has not fulfilled all of the requirements specified in Article 113b, the President of the Office shall reduce the fine imposed thereupon, if the undertaking concerned has fulfilled all of the following conditions:

1) submitted an application complying with the requirements referred to in Article 113a paragraph 2;

2) fulfilled the conditions specified in Article 113a paragraphs 3, 5 and 6;

3) submitted evidence relevant to the case under consideration which was not in the possession of the President of the Office**.**

2. In the case referred to in paragraph 1, The President of the Office shall impose a fine reduced by:

1) 30-50% compared to the fine that would have been imposed upon the undertaking had the undertaking not submitted the application - on an undertaking which is the first to fulfil the conditions specified in paragraph 1;
2) 20-30% compared to the fine that would have been imposed upon the undertaking had the undertaking not submitted the application - on an undertaking which is the second to fulfil the conditions specified in paragraph 1;
3) a maximum of 20% compared to the fine that would have been imposed upon the undertaking had the undertaking not submitted the application - on other undertakings which have fulfilled the conditions specified in paragraph 1;

Article 113d. 1. If an undertaking referred to in Article 113c paragraph 1, prior to issue of the decision in a case with respect to which it has submitted an application, is the first of the participants in another agreement with respect to which no antitrust proceedings or preliminary proceedings have been instituted, to submit an application regarding that other agreement and submitted to the President of the Office evidence or information referred to in Article 113b subparagraph 2 point (a), the President of the Office - in a case with respect to which the following has been submitted:

1) the first application - shall reduce the amount of the fine imposed upon that undertaking, as described in Article 113c paragraph 2, by 30%;
2) an application regarding another agreement - shall grant the undertaking full immunity against fines as described in Article 106 paragraph 1 point 1 or 2, provided that the undertaking has fulfilled all of the conditions specified in Article 113b.

2. Where an application referred to in Article 113e - regarding another agreement referred to in paragraph 1 subparagraph 2 - has been submitted, the President of the Office shall reduce the amount of the fine imposed upon the undertaking in the matter in which the first application, referred to in paragraph 1 subparagraph 1, was filed, provided that missing information or evidence have been provided within the time limit specified in Article 113e, paragraph 2.

Article 113e. 1. Where an undertaking does not have information within the scope described in Article 113a paragraph 2, or evidence or information described in Article 113b

subparagraph 2 or in Article 113c paragraph 1 subparagraph 3, the undertaking may submit with the President of the Office a marker version of the application, providing at least the information referred to in Article 113a paragraph 2 subparagraphs 1 to 4, 7 and 9.

2. The President of the Office shall, promptly once an undertaking has submitted an application, specify the scope of information or evidence that must be submitted and time limit for submission thereof.

3. Where information or evidence is submitted within the time limit referred to in paragraph 2, the application shall be deemed to have been submitted on the date on which the marker form thereof is submitted.

4. Failure to submit information and evidence within the specified time limit shall result in the application not being reviewed.

Article 113f. 1. Where an undertaking submits an application with the European Commission for immunity as referred to in Article 23 paragraph 2 subparagraph (a) of Regulation No. 1/2003/EC, for participation in a prohibited agreement covering territories of more than three Member States of the European Union, the undertaking may also submit a summary application with the President of the Office.

2. The application referred to in paragraph 1 shall state the following:

1) undertakings that concluded the agreement;
2) goods or services covered by the agreement;
3) territory covered by the agreement;
4) object of the agreement;
5) duration of the agreement;
6) Member States of the European Union in which evidence of existence of such an agreement is to be found.

3. The summary application shall also contain information about applications submitted or to be submitted by the undertaking in other Member States of the European Union or with the European Commission.

4. In the case of institution of proceedings regarding the agreement described in the summary application, the President of the Office shall call upon the undertaking to submit, within the specified time limit, information referred to in Article 113a paragraph 2, as well as evidence or information referred to in Article 113b subparagraph 2 or in Article 113c paragraph 1 subparagraph 3.

5. If information or evidence is submitted within the time limit referred to in paragraph 4, the application shall be deemed as submitted on the date on which the summary application is submitted.

Article 113g. In cases where an application is rejected by the President of the Office or withdrawn by the undertaking, the application shall be returned to the undertaking within 7 days.

Article 113h. Articles 113a to 113e and Article 113g shall apply accordingly to managing persons referred to in Article 6a, subject to Article 113i and Article 113j**.**

Article 113i. A managing person shall present in the application the information required in the application to the extent that he/she has that information at his/her disposal due to his/her position at the undertaking and his/her role in the agreement**.**

Article 113j. 1. An undertaking's application which complies with the requirements specified in Article 113a paragraph 2, which is accompanied by evidence or information referred to in Article 113b subparagraph 2 or in Article 113c paragraph 1 subparagraph 3, shall also cover the undertaking's managing persons referred to in Article 6a.

2. If a managing person cooperates with the President of the Office from the moment it becomes known that an application has been submitted in the manner described in Article 113a paragraph 5, the President of the Office shall reduce the fine imposed upon that person according to the same rules upon which the undertaking's fine was reduced.

3. The President of the Office shall grant total immunity from fines or shall reduce a fine imposed upon a managing person who has met the conditions specified in paragraph 2, despite not granted total immunity from fines imposed upon the undertaking who submitted the application, or despite not reducing the fine imposed upon the undertaking due to the undertaking failing to fulfil the conditions specified in Article 113a paragraphs 3, 5 and 6 or in Article 113b subparagraph 3**.**

Article 113k. The Council of Ministers shall determine, by way of a regulation, the detailed manner and procedure with respect to an application submitted by an undertaking or by a managing person, having regard for the category of the applying entity and the necessity to ensure a reliable assessment of fulfilment of conditions specified in Article 113b and in Article 113c paragraph 1, as well as proper classification of the application.

SECTION VIII

Penal provision

Article 114. 1. Whoever, acting contrary to the provision of Article 42, paragraph 4, breaches the obligation to provide the Consumer Ombudsman with explanations and information being the subject of a query submitted by the Ombudsman, or the obligation to express a standpoint with respect to the Ombudsman's comments and opinions shall be liable to a fine of at least PLN 2000.

2. Cases involving acts specified in paragraph 1 shall be examined pursuant to the provisions of the Act of 24 August 2001 Code of Minor Offences.

SECTION IX

Amending, transitional and final provisions

Articles 115-129 (omitted).

Article 130. When determining the amount of the fine referred to in Article 111, infringement of the provisions of the Act of 15 December 2000 on competition and consumer protection (Journal of Laws of 2005 No. 244, item 2080) shall also be taken into account.

Article 131. 1. Proceedings instituted pursuant to the provisions of the Act of 15 December 2000 on Competition and Consumer Protection, and not completed by the day on which this Act enters into force, shall be subject to the hitherto existing provisions.

2. Antitrust proceedings concerning concentration, instituted pursuant to the Act of 15 December 2000 on Competition and Consumer Protection shall be discontinued, if the intent to concentrate is not subject to the obligation of notification on the basis of the provisions of this Act.

3. Requests for institution of proceedings concerning competition-restricting practices and concerning practices infringing collective consumer interests, filed pursuant to the Act of 15 December 2000 on Competition and Consumer Protection, on the basis of which antitrust proceedings concerning competition-restricting practices or concerning practices infringing

collective consumer interests have not been instituted, shall be treated as notification of suspicion of such practices, within the meaning of the provisions of this Act.

Article 132. Until the time the President of the Office is appointed under the procedure specified in Article 29, this function shall be performed by the President of the Office appointed under the hitherto existing provisions.

Article 133. Members of the National Council of Consumer Ombudsmen established on the basis of the provisions of the Act of 15 December 2000 on Competition and Consumer Protection shall retain membership of the Council after this Act enters into force, in accordance with the rules specified herein.

Article 134. 1. Consumer Ombudsmen appointed on the basis of the hitherto existing provisions shall perform their functions until they are dismissed under the procedure specified in Article 40 of this Act.

2. The hitherto existing conditions of the Consumer Ombudsman's employment and remuneration shall remain in force until new conditions of the Consumer Ombudsman's employment and remuneration are specified by the district governor.

Article 135. 1. As of the date of entry into force of the Act, the Office shall assume all rights and obligations of the Office of Competition and Consumer Protection established pursuant to the hitherto existing provisions.

2. As of the date of entry into force of the Act, the assets of the Office of Competition and Consumer Protection established pursuant to the hitherto existing provisions shall become by virtue of law, the assets of the Office.

3. The rights and assets of the Office of Competition and Consumer Protection established pursuant to the hitherto existing provisions shall be transferred to the Office free of charge and without taxes or fees.

4. As of the date of entry into force of the Act, employees of the Office of Competition and Consumer Protection established pursuant to the hitherto existing provisions shall become by virtue of law, employees of the Office.

Article 136. 1. The implementing provisions issued pursuant to Article 16, Article 28 paragraph 3, Article 57 paragraph 6, Article 77 paragraph 6, Article 94 paragraph 5, and Article 103a paragraph 5 of the Act of 15 December 2000 on Competition and Consumer Protection shall remain in force until the time of entry into force of implementing provisions issued pursuant to Article 17, Article 33 paragraph 3, Article 63 paragraph 5, Article 94 paragraph 6, and Article 109 paragraph 5 of this Act, however not longer than for a period of 12 months from the date of its entry into force, subject to paragraph 2.

2. The implementing provisions pursuant to Article 7 of the Act of 15 December 2000 on Competition and Consumer Protection shall remain in force until the time of their expiry.

Article 137. The Act of 15 December 2000 on Competition and Consumer Protection (Journal of Laws of 2005, No. 244, item 2080) shall cease to be effective.

Article 138. The Act shall enter into force 30 days from the day of its publication.