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COMPETITION COUNCIL OF THE REPUBLIC OF LITHUANIA

**RESOLUTION
ON THE APPROVAL OF THE RULES OF PROCEDURE OF THE COMPETITION
COUNCIL OF THE REPUBLIC OF LITHUANIA**

1 February 2018 No. 1S-10 (2018)
Vilnius

Pursuant to Article 19(10) of the Law on Competition of the Republic of Lithuania, the Competition Council of the Republic of Lithuania hereby **d e c i d e s** :

1. To approve the Rules of Procedure of the Competition Council of the Republic of Lithuania (attached).
2. To repeal Resolution No 129 of the Competition Council of the Republic of Lithuania of 14 November 2002 “Regarding the Rules of Procedure of the Competition Council of the Republic of Lithuania” as subsequently amended and supplemented.
3. To establish that this Resolution shall enter into force on 1 May 2018.

Chairman

Šarūnas Keserauskas

APPROVED
by Resolution No 1S-10 (2018)
of the Competition Council of the Republic of Lithuania
of 1 February 2018

RULES OF PROCEDURE OF THE COMPETITION COUNCIL OF THE REPUBLIC OF LITHUANIA

CHAPTER I GENERAL PROVISIONS

1. The Rules of Procedure of the Competition Council of the Republic of Lithuania (hereinafter – the Regulation) lays down the procedure of work of the Competition Council in performing its functions and exercising its powers established by law, rights and duties of the Chairman and members of the Competition Council (hereinafter all together – the Council), employees of the administration of the Competition Council (hereinafter – employees of the administration), and rules of procedures carried out by the Competition Council regarding violations of laws the compliance therewith is monitored by the Competition Council.

2. In its activities, the Competition Council follows the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania (including the European Convention for the Protection of Human Rights and Fundamental Freedoms and its supplementing protocols), legal acts of the European Union (including the Charter of Fundamental Rights of the European Union), general principles of European Union law, laws and other legislation of the Republic of Lithuania.

Amendments to the clause:

No. [1S-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

3. Activities of the Competition Council are based on the principles of public administration established by the Law on Public Administration of the Republic of Lithuania.

4. Unless indicated otherwise, definitions used in the Regulation correspond to the definitions used in the Law on Competition of the Republic of Lithuania and the Law on the Prohibition of Unfair Practices of Retailers of the Republic of Lithuania.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

5. Chapter IV of this Regulation governs the procedure for investigating infringements of the Law on the Prohibition of Unfair Commercial Practices of Retailers and for hearing participants in the procedure, while other procedure provided for in the Regulation shall apply insofar the said Law does not regulate the respective matters.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

6. In applying provisions of the Regulation, the Competition Council shall follow its own case law, case law and interpretations of courts of the Republic of Lithuania, the European Commission and the Court of Justice of the European Union.

7. Issues not discussed in the Regulation shall be resolved in accordance with the procedure established by laws and other legal acts of the Republic of Lithuania.

CHAPTER II FUNCTIONS AND POWERS OF THE COMPETITION COUNCIL

8. The Council shall make collegial decisions:

8.1 to initiate, extend, supplement, terminate, resume or conduct an additional investigation of violations of laws the compliance therewith is monitored by the Competition Council (hereinafter – an investigation), to adopt resolutions declaring violations of these laws and to impose statutory sanctions or, if there is no basis provided for by laws, to refuse to impose sanctions;

Amendments to the subclause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

8.2. to split an investigation into several investigations or to combine several investigations into one;

8.3. to refuse to initiate an investigation, except for cases provided for in sub-clause 15.6 of the Regulation;

8.4. to carry out investigative actions that require a court permit;

8.5. to grant powers to employees of the administration to carry out an investigation or individual investigative actions;

8.6 to approve findings of an investigation or examination of a concentration report;

Amendments to the subclause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

8.7. to hear out participants in the procedure and other stakeholders;

8.8. to defer or to refuse to defer the deadline for discharge of sanctions imposed on public administration entities or economic undertakings;

8.9. to refer to court with a request to impose sanctions on managers of economic undertakings;

8.10. to submit proposals to the Government and the Seimas regarding amendments to laws and other legal acts restricting competition, when the Competition Council identifies such cases in performing its functions provided for by laws;

8.11. to apply to court in the cases provided for in Article 39(7) of the Law on Competition and in order to defend public interests protected by laws;

8.12. to apply interim measures and to refer to court regarding the application of interim measures and restrictions of economic activities in the cases provided for in Article 27(1) of the Law on Competition;

8.13. to allow to engage in concentration, to perform separate concentration actions, to refuse to grant a permission to engage in concentration, to establish the conditions and obligations of concentration and to amend or revoke resolutions of the Competition Council regarding concentration;

8.14. to extend or to terminate examination of concentration notifications;

8.15. to apply concentration control procedure on own initiative;

8.16. to start, extend, supplement or terminate surveillance of competition effectiveness in the markets, to approve findings regarding surveillance of competition effectiveness in the markets;

8.17. to identify and publish priorities of activities of the Competition Council on its website;

8.18. to approve the structure of the administration of the Competition Council, lists of positions of civil servants and employees working under employment contracts, regulations of the Competition Council administration (its divisions);

Amendments to the subclause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

8.19. to establish a committee of advisors;

8.20. for complaints filed against actions performed and decisions made by authorized officials and other employees of the administration of the Competition Council in accordance with Article 32 of the Law on Competition;

8.21. to adopt normative legal acts related to the application of laws, the compliance therewith is monitored by the Competition Council;

8.22. to provide assistance to the European Commission or competition authorities of Member States of the European Union regarding the implementation of Council Regulation (EC) No 1/2003

of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty in the established cases;

8.23. to delegate members of the Council supervision over the area of activities of the Competition Council;

Amendments to the subclause:

No. [IS-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

8.24. to entrust a bailiff with forced execution of imposed fines and/or interest to the state budget;

8.25. on other matters related to the application of laws the compliance therewith is monitored by the Competition Council.

9. The Council shall have the right to assign some of its powers, except for those referred to in subclauses 8.1–8.24 of the Regulation, to the Chairman or members of the Competition Council according to areas of their activities. In such a case, the Chairman or members of the Competition Council shall act on behalf of the Competition Council.

10. The Chairman of the Competition Council shall:

10.1. head the Competition Council, organize work of the Competition Council and be liable for the Competition Council performing the functions delegated thereto;

10.2. represent the Competition Council in the Republic of Lithuania and abroad;

10.3. submit annual activity reports of the Competition Council to the Seimas and the government, indicating in the reports, *inter alia*, information on the appointment and dismissal of the Chairman and members of the Competition Council, the funding allocated to the Competition Council from the budget in the respective year, including other lawfully received income and funds, and any changes thereto compared to the previous year. The reports shall also be published on the Competition Council's website;

Amendments to the subclause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

10.4. participate in meetings of the Government in a deliberative capacity and voice his comments should the decisions proposed for adoption contradict the laws the compliance therewith is monitored by the Competition Council;

10.5. sign findings to the Seimas and the Government regarding the approval of draft legislation;

10.6. sign letters addressed to the President of the Republic, the Seimas and the Government;

10.7. approve the strategic activity plan of the Competition Council after the Competition Council's approval thereof;

10.8. approve job descriptions of employees of the administration;

10.9. hire and lay off civil servants and employees working under employment contracts, make decisions to impose official or disciplinary sanctions on them, motivate them and implement other powers in the field of personnel management;

10.10. make decisions to use competent specialists and experts;

10.11. make decisions on the organization of work in the Competition Council, give orders;

10.12. chair meetings of the Council;

10.13. sign resolutions of the Council;

10.14. conclude agreements on behalf of the Competition Council, except for cases provided for in clause 14 of the Regulation;

10.15. make decisions regarding the representation of the position of the Competition Council in courts and pre-trial dispute resolution institutions when the Competition Council is a party to a dispute, a stakeholder or an institution presenting findings;

10.16. form a Commission for the Investigation of Administrative Offenses and other commissions, working groups, and instruct employees of the administration to perform respective functions at the Competition Council;

Amendments to the subclause:

No. [1S-103 \(2020\)](#), 01 10 2020, published in RLE 02 10 2020, e. c. 2020-20600

10.17. carry out other functions assigned to the manager of the institution by laws and delegated by the Competition Council.

11. To the extent not prohibited by laws and other legislation, the Chairman of the Competition Council shall have the right to assign some of his powers to a member of the Competition Council, Director of the administration or another employee of administration.

12. Member of the Competition Council:

12.1. participates in the discussion and adoption of resolutions on issues within the competence of the Competition Council, submits proposals on the content of resolutions;

12. Members of the Competition Council shall:

12.1. take part in the discussion and adoption of resolutions on issues within the competence of the Competition Council, and make proposals on the content of resolutions;

Amendments to the subclause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

12.2. be responsible for the area of activity of the Competition Council delegated by resolution of the Council, contribute to the drafting of a strategic plan of the area of activity of the Competition Council delegated to them, supervise the performance of the functions and powers of the Competition Council in the area of activity of the Competition Council delegated to them;

Amendments to the subclause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

12.3. sign findings regarding coordination of draft legislation and letters to state and municipal institutions in the area of activity delegated by the Council, except for the cases provided for in sub-clauses 10.5 and 10.6 of the Regulation;

12.4 make proposals regarding resolution of issues arising in the area of activity of the Competition Council delegated to them;

Supplemented with the subclause:

Nr. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

12.5 participate and represent the Competition Council in meetings, working groups, seminars and conferences, also in interviews and meetings with media representatives examining issues related to activities of the Competition Council.

Supplemented with the subclause:

Nr. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

13. The Chairman of the Competition Council shall also have the right to resolve matters assigned to the competence of a member of the Competition Council.

14. The Director of administration shall, under his competence, organize and supervise activities of the Competition Council administration, assist the Chairman of the Competition Council in ensuring the establishment of effective internal control, its implementation and improvement, manage the quality, timeliness of the performance of functions of the administration of the institution and their compliance with the requirements which the area of activities is subject to. The Director of administration shall have the right to make decisions on strategic planning, management of finance, personnel, documents, non-current and current assets, information technology, public procurement, and other matters related to his competence. The Director of administration shall sign letters, conclude agreements, approve documents and perform other actions related to the exercise of his powers on behalf of the Competition Council, unless laws or other legislation establishes otherwise. The Chairman of the Competition Council shall also have the right to decide on issues assigned to competence of Director of administration.

Amendments to the clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

14¹. The Chief Adviser (Coordinator of Violation Investigation Procedures) shall coordinate procedures of investigation of violations of the Law on Competition and other laws compliance therewith is monitored by the Competition Council, and shall submit proposals on the strategy and directions of violation investigation procedures. The Chief Adviser (Coordinator of Violation Investigation Procedures) shall draft documents, sign letters in the field under coordination and carry out other actions related to proper performance of procedures of investigation of violations. The Chief Adviser (Coordinator of Violation Investigation Procedures) shall contribute to the drafting of the strategic plan in the area under coordination. The Chairman of the Competition Council shall also have the right to resolve matters under the competence of the Chief Adviser (Coordinator of Violation Investigation Procedures).

Supplemented with the clause:

No. [IS-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

15. The head of a division, under the competence of divisions, and the head of a group, under the competence of groups defined by legal acts regulating activities and areas of responsibility of structural units of the Competition Council administration, shall manage the work of a division or the group of the Competition Council, respectively, and shall be responsible for the division of the group carrying out the functions delegated to them. The head of the division, the head of the group, the Senior Adviser of the division or the group shall adopt the following decisions:

Amendments to the clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [IS-166 \(2018\)](#), 2018-12-19, published in RLE 19-12-2018, e. c. 2018-20855

15.1. to notify the applicant that a request to initiate an investigation or examination of another issue does not comply with the requirements established by laws and clauses 20-24 of the Regulation;

15.2 to give mandatory instructions to submit documents and other information necessary for the performance of the functions of the Competition Council, including instructions to submit documents and other information in accordance with Article 11 (5) and clause 1 of Article 18 (2) of the Law on Competition;

Amendments to the sub-clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

15.3. to inform economic undertakings and other persons of whether certain actions, decisions or legal acts fall within the scope of application of the laws, the compliance therewith is monitored by the Competition Council, or to provide information related to activities of the Competition Council;

15.4. *repealed on 03-02-2021;*

Amendments to the sub-clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

15.5. on the compliance of the notification of concentration with the requirements of Article 9 of the Law on Competition and the procedure for the submission and examination of a notification of concentration approved by the Competition Council;

Changed numbering of the sub-clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.6. on the suspension of the time limit for the examination of the notification of concentration and on the expiry of the suspension of this time limit in accordance with Article 11 (6) of the Law on Competition;

Supplemented with the sub-clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

Changed numbering of the sub-clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.7. on the presentation of findings of the investigation or the examination of a notification of concentration approved by the Council to participants in the procedure in accordance with the procedure established by laws and the setting of the deadline for making written explanations regarding the findings of the investigation or the examination of a notification of concentration;

Supplemented with the sub-clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

Changed numbering of the sub-clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.8. on requests to allow not to provide certain specific information in the notification of concentration requested in the concentration notification form;

Supplemented with the sub-clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

Changed numbering of the sub-clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.9. on the setting of the date on which the notification of concentration is deemed to have been received by the Competition Council in the cases provided for in clauses 33 and 35 of the Procedure for Submission and Examination of a Concentration Notification approved by the Competition Council;

Supplemented with the sub-clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

Changed numbering of the sub-clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.10. on requests to protect trade secrets;

Supplemented with the sub-clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

Changed numbering of the sub-clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

15.11. on other matters provided for in the Regulation, job description, legislation governing the areas of activity and responsibility of structural units of the administration of the Competition Council and other legal acts, and matters assigned by the Chairman of the Council or the Competition Council.

Changed numbering of the sub-clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

16. When there is no head of a division, head of a group, senior adviser of a group or a division or they are unable to perform the functions specified in clause 15 of the Regulation for other reasons, another employee of administration appointed by the Chairman of the Competition Council shall perform these functions.

Amendments to the clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [1S-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

17. Employees of the administration shall perform the functions provided for in their job descriptions and legal acts regulating areas of activity and responsibility of structural units of the administration of the Competition Council, as well as instructions of the Council, the Chairman, members, Director of administration, Chief Advisor (Coordinator of Infringement Investigation Procedure), head of a division, head of a group, or Senior Advisor of a division or a group.

Amendments to the clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [IS-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

No. [IS-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

17¹. In the performance of the functions provided for in the Law on Competition, the Regulation and other legal acts, the Chairman and members of the Competition Council, employees of the administration of the Competition Council shall have the right to draft, form, sign, transfer, coordinate and otherwise administer documents in the document management system.

Supplemented with the clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

Amendments to the clause:

No. [IS-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

CHAPTER III INFRINGEMENT INVESTIGATION PROCEDURE

SECTION ONE GENERAL PROVISIONS

18. In accordance with the investigation procedure provided for in this Chapter of the Regulation, the Competition Council shall investigate the infringements provided for in Article 22 (1) of the Law on Competition.

SECTION TWO INITIATION OF THE INVESTIGATION

19. The Council shall initiate an investigation:

19.1. on the basis of a written application of applicants referred to in Article 23(1) of the Law on Competition (hereinafter – the application);

19.2. on its own initiative.

20. The application shall contain the following:

20.1. name of the applicant, the register of its registration, the code and contact details (registration and registered office address, telephone and fax numbers, e-mail address);

20.2. the name, surname, job position and contact details (address, telephone and fax numbers, e-mail address) of the representative of the applicant entitled to provide the Competition Council with and to receive from it application-related information;

20.3. the name, register and contact details of the economic undertaking or the public administration entity that has committed a possible infringement of the law (registration and registered office address, telephone and fax number, e-mail address);

20.4. circumstances related to a possible infringement of the law known to the applicant, whereon the claim is based;

20.5. when submitting an application regarding a possible violation of Articles 4, 5, 7 of the Law on Competition, the following shall be included:

Amendments to the sub-clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

20.5.1. description of appealed actions or decisions of economic undertakings or public administration entities;

20.5.2. description of goods and/ or services whereto appealed actions or decisions are related;

20.5.3. description of the geographical area where the appealed actions or decisions were carried out and the geographical area where consequences of the appealed actions or decisions manifested, may have manifested or may manifest;

20.5.4. information on market participants related to appealed actions or decisions, and their position in the market;

20.5.5. indication of the time when the appealed actions were performed or decisions were made, and their validity period;

20.5.6. indication of other data known to the applicant related to appealed actions or decisions, persons involved therein or persons, who were, may have been or may be affected by a potential infringement: name, register and code of registration of an entity; in case of a natural person – name, surname and contact details of the person (address, telephone and fax numbers, e-mail address);

20.5.7. explanation of how the actions or decisions appealed affected, could have or may affect the ability of the applicant and/ or other persons to operate in the market, how the restriction of competition or harm to the interests of consumers manifested, could have manifested or may manifest;

20.5.8. *repealed on 03-02-2021;*

Amendments to the sub-clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

20.6. information on whether other public administration institutions, pre-trial dispute resolution institutions or courts were appealed regarding actions or decisions of the economic undertaking or public administration entity, whether they have been or are being investigated in other public administration institutions, pre-trial dispute resolution institutions or courts, the course or the outcome of the investigation, the decision made and the decision-making date;

20.7. documents confirming the factual circumstances specified in the application and evidence, information regarding sources of other possible evidence, which the applicant cannot obtain for objective reasons;

20.8. requests of the applicant.

21. The manager or the authorized representative of the applicant shall sign an application. A document certifying the powers to represent the applicant shall be enclosed with the application signed by a representative.

22. Annexes to the application shall form an integral part of the application. The application shall comply with the requirements of Chapter VI of the Regulation. The factual information provided in the application shall be true.

23. An application shall be delivered to the Competition Council, sent by post or by electronic means, including by e-mail, if the application was signed with a secure electronic signature.

24. Having submitted a copy of an application, the application shall be submitted to the Competition Council in the manner specified in clause 23 of the Regulation not later than within 5 business days from the date of submission of a copy.

25. If the application does not comply with the requirements laid down in clauses 20–24 of the Regulation, the applicant shall be informed of the deficiencies found and the time limit for fixing them.

26. If the applicant does not provide a response to the alleged deficiencies within the set time limit, the application shall not be further examined.

27. If the applicant fails to fix the indicated deficiencies in the submitted response, the head of the group having examined the application or the senior advisor of the group shall inform the applicant that the application that does not meet the set requirements does not constitute grounds for the Competition Council to consider initiating an investigation on the grounds of the application and it shall no longer be examined.

Amendments to the clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [IS-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

28. The calculation of the time limit indicated in Article 24(3) of the Law on Competition shall start from the date the Competition Council receives an application that meets the requirements laid down in clause 20 of the Regulation submitted in accordance with the procedure laid down in clauses 21–24 hereof.

29. Having examined the application that meets requirements of clauses 20 – 24 of the Regulation, employees of the administration shall make a proposal to the Competition Council to adopt one of the resolutions referred to in Article 23(4) or Article 24(4) of the Law on Competition.

30. Economic undertakings or public administration entities, whose actions or decisions were appealed and which have been informed about an application received by the Competition Council, and the person having submitted the application shall be informed about the outcome of the examination of the application.

31. The Competition Council shall have the right to examine, at its own initiative, the issue of initiating an investigation of violation of the law, taking into account requests, notifications of persons, publicly available information, information obtained in the course of other investigations or other issues, factual circumstances recorded by employees of the administration in the performance of their duties or other available information, to the extent legislation does not restrict the use of such information.

32. The Resolution shall specify the employee of administration or a group of employees (investigation group) who have been granted powers to conduct an investigation or separate investigative actions (hereinafter – authorized officials). When an investigation group is brought together to conduct an investigation, the head of the group shall be indicated. The head of the investigation group and the Senior Advisor shall have the rights of authorized officials.

Amendments to the clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [1S-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

33. The suspected economic undertaking or public administration entity and the applicant shall be informed of the decision to initiate an investigation not later than within 10 business days from the date of signing the minutes of the meeting of the Competition Council when the decision was adopted, except for cases when they shall be informed of a decision, which is to be considered confidential pursuant to Article 22 (4) of the Law, immediately when the circumstances provided for in this Article have ceased to exist.

SECTION THREE INVESTIGATION PROCEDURE AND ACTIONS

34. Upon the initiation of an investigation by the Competition Council, authorized officials shall have the rights and duties provided for in the Law on Competition and other legal acts regulating the activities of the Competition Council.

35. An investigation shall be conducted in observance of the time limits established in the Law on Competition and other legal acts regulating the activities of the Competition Council. The calculation of the investigation time limits shall start on the day of adoption of the decision of the Competition Council to initiate an investigation.

36. Before conducting investigation actions, the authorized official shall provide the economic undertaking or the public administration entity with a copy or extract of the decision of the Competition Council initiating the investigation and documents confirming the powers to conduct an investigation or a specific investigation action.

37. Before conducting investigation actions, the authorized official shall warn persons of their statutory liability for a default on or improper performance of the duties provided for in legal acts regulating activities of the Competition Council.

38. When conducting separate investigative actions in the cases provided for in the Regulation and in other cases, the authorized official shall, when necessary, register them by drafting minutes of explanations, inspection, seizure, establishment of facts or other documents in the forms approved by the Competition Council.

39. The investigation provided for in clauses 1 and 2 of Article 25 (1) of the Law on Competition (hereinafter – investigation) shall be carried out having provided the economic

undertaking (manager, employee or another representative of the undertaking) to be investigated with the documents listed in clause 36 of the Regulation and a copy of a court ruling allowing to carry out an investigation.

39¹. More than one official authorized to carry out an investigation shall carry out the investigation. Specialists and experts hired by the Competition Council, including officials of other state institutions, may take part in the investigation.

Supplemented with clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

40. The economic undertaking (manager, employee or another representative of the undertaking) under investigation shall not prevent officials authorized to carry out an investigation from exercising their rights granted by clause 1 of Article 25 of the Law on Competition.

41. An economic undertaking (manager, employee or another representative of the undertaking) shall comply with instructions of authorized officials and cooperate with them during the investigation, provide them with all information and assistance necessary for the investigation, including information on the information technology infrastructure of the undertaking being investigated, comply with such requirements as temporary blocking of e-mail, disconnection of computers from the corporate network or granting administrator rights.

42. A lawyer and / or an assistant lawyer invited by an economic undertaking (manager, employee or another representative of the undertaking) shall have the right to take part in the investigation, however, the absence of a lawyer and / or an assistant lawyer shall not prevent the opening and carrying out of the investigation.

43. During the investigation, authorized officials shall have the right to use hardware and software necessary to view and copy documents. Copies of documents and other information taken from computers and other electronic media shall be left with the undertaking (manager, employee or other representative of the undertaking) being investigated, unless agreed otherwise for technical or other reasons. These actions shall be recorded in minutes drawn up during the investigation.

44. If an economic undertaking (manager, employee or another representative of the undertaking) states that the documents (correspondence) taken during the investigation constitute a lawyer's professional secret, it shall substantiate this statement.

45. Officials authorized to carry out an investigation shall have the right to review the general structure, heading, title or other external features of a document (correspondence) in order to confirm the motives of the economic undertaking (manager, employee or another representative of the undertaking) regarding the lawyer's professional secret. If such a review of the document means a disclosure of the lawyer's professional secret, the economic undertaking (manager, employee or another representative of the undertaking) shall substantiate this statement. In case of a dispute over the recognition of documents (correspondence) a lawyer's professional secret during the investigation, copies of the disputed documents (correspondence) shall be placed in a box, envelope or another closed container which shall be sealed, signed by the official authorized to carry out an investigation and the economic undertaking (manager, employee or another representative of the undertaking) being investigated, and it shall be taken to premises of the Competition Council. The box, envelope or another closed container shall be opened at the Competition Council's premises removing the seal from it within 7 business days from the end of the investigation, in participation of the economic undertaking (manager, employee or another representative of the undertaking), and a decision on the recognition of these documents (correspondence) as a lawyer's professional secret shall be made. The official authorized to carry out an investigation shall not make a decision on the recognition of these documents (correspondence) as a lawyer's professional secret.

46. If the officials authorized to carry out an investigation make sure that the documents (correspondence) constitute a lawyer's professional secret, they shall not copy or take these documents (correspondence). If an economic undertaking (manager, employee or another representative of the undertaking) later informs the Competition Council that documents (correspondence) constituting a lawyer's professional secret were taken during the investigation, the

authorized officials shall make sure that the documents (correspondence) constitute a lawyer's professional secret and return them to the economic undertaking, erase or otherwise destroy them.

47. An economic undertaking (manager, employee or another representative of the undertaking) shall have the right to indicate in the investigation or seizure statement that documents which constitute a trade secret of the undertaking have been taken during the investigation and to reasonably request to keep it and prevent third parties from accessing it. An undertaking may also submit a reasoned request to protect trade secrets after the investigation in accordance with the procedure provided for in Chapter VI of the Regulation.

48. Officials authorized to carry out an investigation may also review documents and items required for the investigation at the premises of the Competition Council. In such a case, the documents or items necessary for the investigation shall be placed in boxes, envelopes or other containers, which shall be sealed, signed by an official authorized to carry out an investigation and the undertaking (manager, employee or another representative of the undertaking) under investigation, and taken to the Competition Council's premises. The documents and items taken shall be reviewed at the premises of the Competition Council not later than within 10 business days from the end of the investigation. The documents or items taken shall be reviewed within a period of time of less than 10 business days, if the undertaking (manager, employee or another representative of the undertaking) makes a reasoned request for a shorter period of time, unless this is not possible for objective reasons. The undertaking (manager, employee or another representative of the undertaking) under investigation shall be notified of the time of removal of the seal and / or review of the documents and items taken, and shall have the right to take part in carrying out these actions. The absence of the undertaking (manager, employee or another representative of the undertaking) shall not prevent from removing the seal and reviewing the documents and items taken. These actions shall be recorded in a fact-finding report, which may be signed by the economic undertaking (manager, employee or another representative of the undertaking) under investigation together with authorized officials.

Amendments to the clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

49. During the investigation, authorized officials shall have the right to seal the premises, documents, notes of employees and information media used by the economic undertaking under the circumstances and in accordance with the procedure provided for in clauses 1 and 4 of Article 25 (1) of the Law on Competition. The seal shall be removed in participation of the economic undertaking (manager, employee or another representative of the undertaking). When placing or removing the seal, a sealing statement shall be completed, which may also be signed by the economic undertaking (manager, employee or another representative of the economic undertaking) together with the officials authorized to carry out an investigation.

Amendments to the clause:

No. [IS-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

50. Copies of the minutes drawn up during the investigation, with the exception of annexes to the explanation statement, shall be left with the economic undertaking (manager, employee or another representative of the undertaking).

Amendments to the clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

51. In order to obtain oral explanations from persons related to activities of entities being investigated, authorized officials may do that during an investigation or by sending a written invitation to come to premises of the Competition Council to make oral explanations to a known address of the person's place of work or residence. A person shall have the right to make oral explanations on his own initiative. A person shall have the right to make oral explanations in participation of his lawyer and / or assistant lawyer.

52. The authorized official shall record oral explanations made by a person in the explanation statement, which shall contain correct content of the explanations made. The authorized official may offer the person making the explanations to write his explanations in the explanation statement himself. If necessary, documents or other annexes related to the content of the explanation statement shall be enclosed therewith. Having notified the person thereof and marked that in the explanation statement, the authorized official shall have the right to make an audio or video recording of the explanations. The person having made the explanations shall be provided with a copy of the explanation statement, except for annexes to the statement.

Amendments to the clause:

No. [1S-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

52¹. An audio or video recording shall be made with the aim to draft minutes and may be stored and used for investigation purposes. If having drafted an explanation statement or other minutes and having assessed the content of the explanation or another action of the investigation the authorized official decides that the audio or video recording is not necessary for the investigation, the recording shall be destroyed in participation of the person who made explanations or the person who took part in recording another action of the investigation, indicating this fact in the minutes. If the authorized official decides to use the audio or video recording for investigation purposes, it shall be stored in the investigation file. The Competition Council shall have the right to prepare a transcript of the record.

Amendments to the clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in the RLE 03-06-2019, e. c. 2019-08852

53. The authorized officials shall have the right to receive written explanations, documents, items and other information from suspected entities and persons related to the activities of suspected economic undertakings during the investigation. Persons shall have the right to provide this information and explanations on their own initiative.

54. A request for information shall indicate the deadline for the provision of information and may require the information to be provided in a particular format. It shall also lay down the procedure for the submission of a request for information constituting trade secrets and the requirements which the protection of such information by the Competition Council is subject to. In its request for information, the Competition Council shall not have the right to force the entity suspected of having violated the law to admit to the violation.

Amendments to the clause:

No. [1S-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

55. The deadline for the submission of information shall be set taking into account the scope, complexity of the request and needs of the investigation. Having assessed the nature and scope of the requested information, suspected entities and other persons may submit a reasoned request to extend the deadline for providing information.

56. If in response to a request of authorized officials suspected entities and other persons provide information that is manifestly irrelevant to the investigation, authorized officials shall have the right to return this information to the person having provided it.

57. Authorized officials may use publicly available information or information in the possession of the Competition Council obtained in the course of other investigations or the examination of other issues for carrying out an investigation, provided that the use of such information has not been restricted by legal acts. The use of this information shall be recorded in a fact-finding report.

58. Authorized officials shall have the right to hold meetings with suspected entities, applicants and other persons. If a meeting, including a telephone conversation, takes place on the initiative of suspected entities, applicants or other persons, authorized officials may request that the issues proposed for discussion at the meeting are presented in advance. Authorized officials shall decide on the expediency and scope of the meeting.

59. Minutes of the meetings or telephone conversations between authorized officials and suspected entities, applicants or other persons may be taken, recording key circumstances. The

minutes shall be signed by authorized officials, while meeting minutes shall be signed by a representative of the suspected entity, the applicant or another person. The Competition Council shall provide persons having participated in the meeting or conversation with a copy of the minutes, except for annexes thereto. An audio or video recording may be made to capture the course of meetings or telephone conversations, notifying the persons participating in the meeting or telephone conversation thereof, and indicating this fact in the minutes.

Amendments to the clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in the RLE 02-02-2021, e. c. 2021-02042

59¹. Officials authorized by the Competition Council to carry out an investigation of a violation of the Law on Prohibition of Unfair Practices of Retailers shall, *mutatis mutandis*, follow the procedure and actions of carrying out an investigation laid down in this Section of the Regulation when exercising the rights granted to them by Article 9 (1) of the Law on Prohibition of Unfair Practices of Retailers. Economic undertakings shall cooperate with authorized officials and enable authorized officials to exercise the rights granted to them in Article 9 (1) of the Law on Prohibition of Unfair Practices of Retailers. Authorized officials may exercise the granted rights at the premises of the Competition Council and / or by going to the economic undertaking.

Supplemented with the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in the RLE 03-06-2019, e. c. 2019-08852

SECTION FOUR CLOSING AN INVESTIGATION

60. Having assessed the circumstances established during the investigation, authorized officials shall submit an offer regarding the termination or closing of an investigation for the Competition Council's consideration as per clauses 2 and 3 of Article 28 of the Law on Competition.

61. An investigation shall be deemed completed after the Competition Council confirms the findings of the investigation of the suspected infringement drafted by authorized officials (hereinafter – findings of the investigation or a notification of a suspected infringement).

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in the RLE 03-06-2019, e. c. 2019-08852

62. Authorized officials shall indicate the following in the notification of a suspected infringement:

62.1. information on the participants in the procedure:

62.1.1. an applicant;

62.1.2. an entity suspected of violating the law;

62.1.3. other stakeholders (hereinafter all together referred to as participants in the procedure);

62.2. information regarding the grounds for the opening of an investigation, the actions of investigation carried out and other circumstances related to the course of the investigation;

62.3. the determined factual circumstances related to the suspected infringement and evidence confirming them, also explanations made by participants in the procedure;

62.4. assessment of the circumstances established during the investigation;

62.5. findings on the suspected infringement and the application of sanctions.

63. Having examined a notification of a suspected infringement, the Competition Council shall take one of the following decisions:

63.1. to close the investigation;

63.2. to terminate the investigation on the grounds referred to in Article 28(3) of the Law on Competition;

63.3. to supplement, divide, combine, extend the investigation or decide on other matters on its course;

63.4. to postpone the examination of the matter to the following meeting of the Competition Council.

64. Having decided to close the investigation, the Competition Council shall have the right to immediately set the date of the hearing of the participants in the procedure. In such a case, the date of the hearing shall be set taking into account the period necessary to ensure the rights of the participants in the procedure to submit their written explanations on the findings of the investigation listed in Section 5 of Chapter III of the Regulation.

65. If the Competition Council decides to terminate, supplement, divide or combine the investigation, participants of the procedure shall be informed of the decision within 3 business days from the date of signing the minutes of the meeting of the Competition Council when the decision was made, except for cases when they shall be informed of the decision which is considered confidential in accordance with Article 22(4) of the Law on Competition immediately after the circumstances provided for in the latter Article cease to exist.

66. If the Competition Council approves the findings of the investigation of a suspected infringement, a notification of a suspected infringement shall be sent to the applicant, the entity suspected of the infringement and other stakeholders at the decision of the Competition Council within 3 business days from the date of signing the minutes of the meeting of the Competition Council when the decision was made, indicating that they shall have the right to make explanations of the investigation findings in writing within the set period of time.

SECTION FIVE HEARING OF PARTICIPANTS IN THE PROCEDURE

67. Decisions related to the course of the procedure starting from the closing of the investigation to the announcement of the Competition Council's decision regarding a violation of the law, except for decisions that fall within the exclusive competence of the Council, shall be made by the head of the group having carried out the investigation or the Senior Advisor, or the employee of the administration assigned by them to carry out an investigation.

Amendments to the clause:

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [1S-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

68. The applicant and the undertaking suspected of having violated the law shall be provided with an electronic copy of the investigation file material together with the notification of a suspected infringement. When there is no possibility to provide an electronic copy of the investigation file material or a part thereof, the applicant and undertaking suspected of having violated the law shall be informed about the right to access the investigation file material at the premises of the Competition Council.

Amendments to the clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

69. The right of the applicant and the undertaking suspected of having violated the law to access the investigation file material shall not cover the right to access the following:

Amendments to the clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

69.1. documents containing state or official secrets;

69.2. documents containing trade secrets of another undertaking, unless a consent of the undertaking whose information constituting trade secrets is to be accessed has been obtained;

69.3. documents of official use of the Competition Council as defined in Article 21(8) of the Law on Competition;

Amendments to the clause:

No. [1S-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

69.4. documents referred to in clauses 9, 10 and 11 of Article 21, except for the exceptions provided for in the latter Article of the Law on Competition and in accordance with the procedure laid down therein;

Amendments to the sub-clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

69.5. written explanations of other participants in the procedure regarding findings of the investigation, except for the cases referred to in clause 73 of the Regulation;

69.6. information the disclosure of which could adversely affect competition;

69.7. other sensitive information provided for by legislation.

70. The deadline for submitting written explanations to the findings of the investigation shall be set taking into account the scope, complexity, course of the case and other significant circumstances. This period shall be at least 14 calendar days, except when a shorter period may be set due to the circumstances related to the investigation.

71. Participants in the procedure shall have the right to request an extension of the deadline for submitting written explanations to the findings of the investigation, indicating the reasons and motives as to why the deadline should be extended. This request shall be examined and a decision shall be made within 2 business days from the date of receipt of the request.

72. Undertakings suspected of having committed an infringement shall submit an application, claiming that the documents listed in subclause 69.5 of the Regulation are necessary for them to exercise their right to defence effectively. The application shall substantiate the necessity of the requested documents or information for the right to defence.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

73. If this may help to clarify important circumstances in the Competition Council's decision-making regarding a suspected violation, the head of the group, the Senior Advisor or the employee of the administration having carried out the investigation shall have the right to provide undertakings suspected of the violation of the law with non-confidential versions of written explanations of the participants in the procedure to findings of the investigation.

Amendments to the clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [IS-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

74. If having received written explanations from the participants in the procedure to findings of the investigation new circumstances that may be relevant in the Competition Council's decision-making on the suspected infringement come to light, the head of the group, the Senior Advisor or the employee of the administration having carried out the investigation shall have the right to indicate those circumstances in writing and ask participants in the procedure to provide further explanations on them within the set deadline.

Amendments to the clause:

No. [IS-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

No. [IS-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

75. Having assessed information related to the investigation carried out, the Competition Council shall have the right to adopt the resolutions provided for in clauses 3 and 4 of Article 30 (1) of the Law on Competition or, if it plans to adopt resolutions provided for in clauses 1 and 2 of Article 30(1) of the Law on Competition, it shall appoint a hearing of participants in the procedure.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

**SECTION SIX
RESOLUTIONS OF THE COMPETITION COUNCIL REGARDING
INFRINGEMENTS OF THE LAW AND THEIR PUBLICATION**

76. After hearing participants in the procedure and other stakeholders, the Competition Council shall adopt one of the resolutions specified in Article 30(1) of the Law on Competition.

77. The Competition Council shall indicate the date and time of publication of the resolution pursuant to clause 76 of the Regulation at the hearing. Participants in the procedure who did not attend the hearing shall be informed of the date and time of publication of the resolution not later than within 3 business days from the end of the hearing.

78. Resolutions of the Competition Council under clause 76 of the Regulation shall be adopted at meetings of the Competition Council. The Competition Council may additionally postpone the publication of a resolution once for a period of time not longer than the initial term of postponing the publication of a resolution and shall inform the participants in the procedure about these changes in the date and time of publication.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

79. Resolution of the Competition Council shall be published:

79.1. to participants in the procedure at the Competition Council. A resolution shall be deemed to have been duly published if the participants in the procedure who arrived at the publication of the resolution were served with copies or extracts of the resolution addressed to them;

79.2. on the website of the Competition Council.

80. Copies or extracts of the resolution shall be sent to participants in the procedure who did not participate at the publication not later than within 3 business days from the date of publication of the resolution. They shall have the right to pick up a copy or an extract of the resolution having arrived at the Competition Council.

**CHAPTER IV
PROCEDURE OF EXAMINATION OF OTHER MATTERS BY THE COMPETITION
COUNCIL**

**SECTION ONE
EXAMINATION OF MATTERS REGARDING THE DISCHARGE OF OBLIGATIONS OF
PUBLIC ADMINISTRATION ENTITIES**

81. Employees of the administration shall submit a proposal to the Competition Council to adopt a resolution to apply to a court with a request to oblige a public administration entity to discharge the obligations set by the Competition Council, if the public administration entity has defaulted on the obligations set by the Competition Council in accordance with clause 3 of Article 35(1) of the Law on Competition.

82. The Competition Council shall indicate the following in the resolution:

82.1. the essence of the determined violation of Article 4 of the Law on Competition and the obligations, also the determined circumstances regarding a default on the obligations;

82.2. evidence that the obligations imposed have not been discharged;

82.3. a request to repeal a legal act of the public administration entity or another decision in conflict with Article 4 of the Law on Competition, or to remedy the violation in another way.

**SECTION TWO
EXAMINATION OF MATTERS REGARDING SANCTIONS IMPOSED ON MANAGERS
OF ECONOMIC UNDERTAKINGS**

83. Employees of the administration shall submit a proposal to the Competition Council to adopt a resolution to apply to a court with a request to impose sanctions on the manager of an economic undertaking upon the formation of the circumstances provided for in clauses 1 and 2 of Article 41(3) of the Law on Competition and when the conditions provided for in Article 40 of the Law on Competition have been met.

84. The Competition Council shall indicate the following in the resolution:

84.1. the circumstances which have been used as a basis for the request;

84.2. evidence substantiating the circumstances indicated in the request;

84.3. a reason proposal regarding the imposition of sanctions and their amount.

SECTION THREE

EXAMINATION OF COMPLAINTS REGARDING ACTIONS AND DECISIONS MADE BY OFFICIALS AUTHORIZED BY THE COMPETITION COUNCIL AND OTHER EMPLOYEES OF THE ADMINISTRATION

85. A written complaint against actions and decisions taken by officials authorized by the Competition Council and other employees of the administration (hereinafter – a complaint) shall indicate the following:

85.1. authorized officials or other employees of the administration whose actions and/ or decisions are being appealed;

85.2. appealed actions and/or decisions;

85.3. explanations and data on how the actions and / or decisions appealed violated personal rights;

85.4. an application to the Competition Council;

85.5. data substantiating that the complaint was filed within the time limit established by the Law on Competition. If the time limit has been missed, the complaint shall be accompanied by a reasoned request to extend the time limit;

85.6. if a representative of the person files a complaint, he shall provide documents confirming powers of the representative.

86. The Chairman of the Competition Council shall appoint an employee of administration for the examination of the complaint. The complaint shall not be forwarded for examination to authorized officials or employees of the administration whose actions and / or decisions are being appealed, or to other employees of the structural unit where these officials or employees work.

87. If the complaint does not meet the requirements laid down in clause 85 of the Regulation, the employee of the administration examining the complaint shall inform the person having filed the complaint of any identified deficiencies not later than within 2 business days from the date of receipt of the complaint by the Competition Council and shall give a deadline of 3 business days at the least to fix them.

88. The calculation of the time limit specified in Article 32(1) of the Law on Competition shall start from the date of receipt of a complaint that meets the requirements. The employee of administration examining the complaint shall inform the person having filed the complaint of the fact that the complaint was received, also indicating which employee of the administration shall examine the complaint.

89. Complaints shall be examined in a written procedure.

90. The employee of the administration having examined a complaint shall make a proposal to the Competition Council to adopt a decision to renew or to refuse to renew the time limit for filing a complaint, to uphold or not to uphold the complaint.

91. The resolution of the Competition Council shall be sent to the person having submitted the complaint not later than within 3 business days from the date of signing the minutes of the meeting of the Competition Council where it was adopted.

SECTION FOUR

EXAMINATION OF OBLIGATIONS OFFERED BY ECONOMIC UNDERTAKINGS

92. Undertakings suspected of committing a possible violation of the Law on Competition may offer obligations that comply with the requirements of Article 28(4) of the Law on Competition (hereinafter – obligations). Economic undertakings shall notify of their intention to assume obligations as early as possible.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

93. Having received obligations offered by an economic undertaking, authorized officials shall determine if they have sufficient data to assess the compliance of the offered obligations with requirements of Article 28(4) of the Law on Competition. Pursuant to Article 28(4) of the Law on Competition, the Competition Council shall have the right, but not the obligation, to examine and accept the obligations offered by an undertaking. The Competition Council shall have the right to terminate and discontinue the examination of obligations at any time.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

94. If the Competition Council does not plan to examine and accept obligations offered by the economic undertaking and continues an investigation of a possible violation of the Law on Competition, authorized officials shall inform the undertaking having offered the obligations thereof. If the Competition Council intends to accept the obligations offered by the undertaking, authorized officials shall examine them. Authorized officials shall have the right to invite the undertaking which has offered obligations to make additional explanations and to provide data necessary for proper examination of the obligations.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

95. Having examined the proposed obligations and assessed that they preliminary meet the requirements laid down in Article 28 (4) of the Law on Competition, authorized officials shall submit a proposal to the Competition Council to approve the offered obligations and to terminate the investigation on the basis of Article 28 (4) of the Law on Competition. The proposal of authorized officials for offered obligations may also be provided in the notification of the suspected infringement.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

96. Before making a decision to approve the offered obligations, the Competition Council shall publish a non-confidential version of the obligations offered by the undertaking on its website and provide stakeholders with the opportunity to submit a reasoned opinion on the proposed obligations within a specified period of time (hereinafter – public consultation).

97. Given the results of the public consultation, the economic undertaking may be given the opportunity to revise the offered obligations. The Competition Council may issue a repeated public consultation if the undertaking substantially changes or revises the proposed obligations. A change shall be considered material if the nature or extent of obligations changes.

98. The Competition Council shall approve obligations of the economic undertaking and terminate the investigation on the basis of Article 28(4) of the Law on Competition by adopting a resolution thereon. The resolution or an extract thereof shall be published on the website of the Competition Council.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c.2020-13131

SECTION FIVE
DEFERRAL OF THE IMPLEMENTATION OF SANCTIONS IMPOSED BY THE
COMPETITION COUNCIL

99. Undertakings or public administration entities shall submit a reasoned request to defer the implementation of sanctions imposed by the Competition Council (hereinafter – a request to defer the implementation of sanctions) until the expiry of the deadline for the implementation of sanctions.

100. Undertakings or public administration entities shall indicate in the request to defer the implementation of sanctions objective reasons which make it impossible for them to implement the imposed sanctions in a timely manner, the actions which they plan to take should the Competition Council defer the implementation of sanctions, and to provide evidence thereof.

101. A request to defer the payment of a fine or its part shall also indicate the following:

101.1. copies of profit (loss) statements and balance sheets for the last two years and all quarters ended in the current year;

101.2. information on the outstanding debts and supporting documents indicating the amount of the debts and their payment terms, relations between the economic undertaking or the public administration entity and other persons whom they owe the largest amounts;

101.3. other documents and explanations substantiating the necessity to defer the payment of the fine or its part;

101.4. a payment schedule indicating the instalments in which the undertaking or the public administration entity would pay the fine or its part if it was deferred;

101.5. information on the source of funds which the undertaking or the public administration entity plans to use to pay the imposed fine, if the payment of the total or a part of the fine was deferred.

102. A request to defer the implementation of sanctions shall be examined in a written procedure.

103. If a request to defer the implementation of sanctions does not comply with the requirements and does not form the basis for assessing the validity of this request, the employee of the administration examining the request shall inform the requesting economic undertaking or the public administration entity, asking it to provide additional documents and explanations.

104. The employee of the administration having examined a request to defer the implementation of sanctions shall submit a proposal to the Competition Council to adopt a decision to defer or to refuse to defer the deadline of the implementation of sanctions imposed on a public administration entity or economic undertaking.

105. The resolution of the Competition Council shall be sent not later than within 3 business days from the day of signing the minutes of the meeting of the Competition Council where it was adopted to the economic undertaking or the public administration entity having submitted a request to defer the implementation of sanctions.

SECTION SIX
MONITORING THE EFFECTIVENESS OF COMPETITION IN THE MARKET

106. By its resolution, the Competition Council may decide to monitor the effectiveness of competition in the market (hereinafter – monitoring). The resolution shall specify the employee of administration or a group of employees authorized to engage in monitoring. When a working group of employees of the administration is brought together for monitoring, the head of the group shall be specified.

107. Employees of the administration authorized to engage in monitoring shall have, *mutatis mutandis*, the rights provided for in clauses 5, 6, 10, 11, 12 and 13 of Article 25(1) of the Law on Competition.

108. The authorized employees of the administration having performed monitoring shall submit findings of the monitoring and proposals regarding measures for effectively ensuring competition for the Competition Council's consideration.

109. Before making a decision to approve monitoring findings, the Competition Council may present them to stakeholders to get familiar with them and express their opinion thereon, and/or publish them on the website of the Competition Council.

110. Having assessed the findings of monitoring, the Competition Council shall make a decision:

110.1. to continue monitoring or to engage in additional monitoring;

110.2. to terminate monitoring;

110.3. to complete monitoring and to approve the monitoring findings;

110.4. to make proposals for respective measures to ensure effective competition.

111. A non-confidential version of the monitoring findings may be published on the website of the Competition Council.

SECTION SEVEN

INVESTIGATION OF INFRINGEMENTS OF THE LAW ON THE PROHIBITION OF UNFAIR PRACTICES OF RETAILERS AND HEARING OF PARTICIPANTS IN THE PROCEDURE

Changed name of the section:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

112. Investigations of contracts concluded by retailers and suppliers, possible actions that are in conflict with fair practices of an economic undertaking listed in Articles 3(1), 3(2) and 3(4) of the Law on the Prohibition of Unfair Practices of Retailers, before and after a contract conclusion indicated in clause 4 of Article 4 (2) of the Law on the Prohibition of Unfair Practices of Retailers are investigations within the meaning of Section 3 of the Law on the Prohibition of Unfair Practices of Retailers and shall be carried out in accordance with the provisions of Section 3 of this Law.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

113. Having assessed circumstances found during the investigation of the Law on the Prohibition of Unfair Practices of Retail, authorized officials of the Competition Council shall submit findings of the investigation to the Competition Council.

Amendments to the clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

114. Having approved findings of the investigation, the Competition Council shall set the date and time of the hearing. Cases shall be heard in a written procedure, unless the Competition Council declares that an oral procedure is necessary.

115. Authorized officials of the Competition Council shall send findings of the investigation to participants in the procedure not later than 21 calendar days before the date of the meeting in the Competition Council, informing them of the right to submit written explanations within the set time limit and indicating the date and time of a written hearing. Authorized officials of the Competition Council shall also specify the time limit within which participants in the procedure shall have the right to submit a reasoned request for case hearing in an oral procedure.

116. Authorized officials of the Competition Council shall examine a request for case hearing of participants in an oral procedure within 3 business days from the date of receipt of the request and shall make a proposal to the Competition Council to hold proceedings in an oral procedure or to refuse to uphold the request and to continue case hearing in a written procedure.

117. The Competition Council shall make a decision to examine in an oral procedure or to refuse to uphold the request, and shall continue the examination in a written procedure. Participants in the procedure shall be notified of the decision within 1 business day from the date of signing the minutes of the meeting of the Competition Council where the decision was made.

118. Access of participants in the procedure to investigation case material shall *mutatis mutandis* be subject to the procedure laid down in clauses 68 and 69 of the Regulation.

119. Case hearing procedure shall *mutatis mutandis* be subject to clauses 138–145 of the Regulation.

120. Resolutions of the Competition Council regarding infringements of the Law on the Prohibition of Unfair Practices of Retailers shall be adopted at a meeting of the Competition Council. The Competition Council may additionally postpone the time of publication of a resolution for a period of time not longer than the initial term of postponement of the publication of the resolution and inform participants in the procedure of any changes in the time of publication.

Amendments to the clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

121. Resolutions of the Competition Council shall be published on the website of the Competition Council within 3 business days from the day of their adoption. A copy or an extract of a resolution shall be sent to the persons for whom the resolution was adopted. They shall have the right to take a copy or an extract of the resolution having arrived at the Competition Council.

CHAPTER V MEETINGS OF THE COMPETITION COUNCIL

SECTION ONE GENERAL PROVISIONS

122. Meetings of the Competition Council shall be administrative meetings and hearings of participants in the procedure (hereinafter together referred to as meetings).

123. Meetings shall be held in premises of the Competition Council, unless the Competition Council decides otherwise for important reasons. Where technically possible, the Competition Council shall also have the right to hold meetings remotely.

Amendments to the clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

124. The Chairman of the Competition Council or, in his absence, the Deputy Chairman (hereinafter – Chairman of the meeting), shall chair the meetings.

125. Meetings shall be held in the official Lithuanian language.

SECTION TWO ADMINISTRATIVE MEETINGS OF THE COMPETITION COUNCIL

126. All issues relating to the application of laws, internal work organization and other matters within the competence of the Competition Council, except for the hearing of participants in the procedure regulated by provisions of Section Three of Chapter V of the Regulation, shall be considered at administrative meetings of the Competition Council (hereinafter – administrative meeting).

127. Administrative meetings shall be closed, unless the Competition Council establishes otherwise.

128. The Competition Council may grant the right to persons related to the issue under consideration, who may provide the Competition Council with information necessary for making a decision, to take part in the administrative meeting.

129. Administrative meetings may take place with members of the Competition Council voting in advance remotely by electronic means of communication.

Amendments to the clause:

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

129¹. Participants in the meeting shall be informed of the votes of the Chairman or members of the Competition Council having voted remotely and their remarks, if they have been made any in a ballot paper.

Supplemented with the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

130. Persons participating in an administrative meeting shall have the right to present their proposals, opinions or explanations orally or in writing.

130¹. When additional important information is provided during a meeting, which was not available to the Chairman or members of the Competition Council voting remotely, the consideration of the respective matter shall be postponed to the next administrative meeting.

Supplemented with the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

131. The consideration of a matter in an administrative meeting shall be completed after the Competition Council adopts a resolution.

SECTION THREE MEETINGS FOR HEARING PARTICIPANTS IN THE PROCEDURE

132. The Competition Council or the Chairman of the Competition Council shall set and have the right to change the date of a hearing of participants in the procedure (hereinafter – the hearing).

132¹. In exceptional cases, if holding hearings of participants in the procedure at premises of the Competition Council is not possible, the Competition Council or the Chairman of the Competition Council shall have the right to make a decision to hold hearings of participants in a remote procedure. Participants in the procedure and other stakeholders shall be informed of this decision and of the procedure of such a meeting.

Supplemented with the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

133. Participants in the procedure shall be informed about a hearing by sending a hearing notice that complies with the requirements laid down in the Code of Civil Procedure of the Republic of Lithuania (hereinafter – a hearing notice).

134. A hearing notice shall be sent not later than 14 calendar days prior to the hearing, except for cases when the Competition Council decides otherwise for important reasons.

135. A hearing notice shall be sent by registered mail to the addresses of the participants in the procedure and their representatives known to the Competition Council. If participants in the procedure and their representatives have not indicated their address to the Competition Council, a hearing notice shall be sent to the registered office addresses of participants in the procedure and their representatives or to the address of residence of a natural person. The Competition Council shall have the right to announce the place and time of a hearing by making a public announcement in accordance with the procedure provided for in the Code of Civil Procedure.

136. Hearings shall be public. Information on hearings shall be published on the website of the Competition Council. The Competition Council may, on its own initiative or at the request of participants in the procedure, announce a hearing or a part thereof to be closed, if this is necessary to protect a trade secret or another sensitive information of economic undertakings.

137. Hearings shall take place in presence of participants in the procedure. In the absence of any of the participants in the hearing, a hearing may take place only when there are data that the absent participant was informed of the date of the hearing in due time, he was allowed to get familiar with findings of the investigation and to make written explanations, or when the participant himself informed the Competition Council that he does not plan to take part in the hearing.

138. Lawyers, associate lawyers and other authorized representatives of participants in the procedure may represent participants in the procedure at the hearings.

139. The Chairman of the meeting shall ensure that all the circumstances relevant to the assessment of a suspected infringement being investigated are clarified in a substantive, complete and objective manner and shall exclude from investigation everything that does not relate to the suspected violation being investigated.

140. The Chairman of the hearing shall take the necessary measures to ensure the procedure of the hearing. If participants in the hearing violate the procedure, the Chairman of the hearing shall warn that if the said actions repeat, they shall be asked to leave the meeting room.

141. Before starting a hearing, the Chairman of the hearing shall provide participants in the meeting with the opportunity to submit requests. The Competition Council shall have the right to make a decision on requests before or after the hearing.

142. If there are no obstacles to starting a hearing, the Chairman of the hearing shall introduce the persons taking part at the hearing, explaining them their rights and duties, and granting them the right to speak on the issue under consideration.

143. A hearing shall begin with the presentation of the findings of the employee having carried out an investigation of the infringement or another employee of the administration, and written explanations made by participants in the procedure. Then the applicant, the suspected economic undertakings or public administration entities, and other stakeholders shall speak in turn. The Chairman of the meeting, members of the Council, employees of the administration, the applicant, the suspected economic undertakings or public administration entities, and other stakeholders shall in turn ask the applicant, the suspected economic undertakings or public administration entities, and other stakeholders questions. After everyone speaks out, employees of the administration, participants in the procedure and other stakeholders shall have the right to reply, with the economic undertaking or the public administration entity being the last one to exercise the right to reply.

144. At the hearing, parties to the procedure may supplement their written explanations and provide additional written evidence which they were not able to present earlier for objective reasons. Suspected economic undertakings or public administration entities shall also have the right to make explanations and to provide data on circumstances that may be relevant for the imposition of fines or other sanctions.

145. The hearing shall be ended having notified participants of the hearing about the date and time of publication of the resolution specified in Article 30(1) of the Law on Competition. The Competition Council shall have the right to additionally postpone the publication of the resolution in accordance with the procedure established in clause 78 of the Regulation.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

SECTION FOUR

MINUTES OF MEETINGS OF THE COMPETITION COUNCIL

146. Minutes of meetings shall be taken to record the course of a meeting. Meetings may be audio recorded. The audio recording of a meeting shall be destroyed after the minutes of the meeting have been drafted and upon the expiry of the deadline for the submission of comments to the minutes provided for in clause 151 of the Regulation.

Amendments to the clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

147. The Chairman and the secretary of the meeting shall sign minutes of the meeting. Minutes of the meeting shall be drafted and signed not later than within 5 business days after the meeting.

148. The minutes of the meeting shall list the persons participating in the meeting, the issues under consideration and other significant circumstances of the meeting:

148.1. type (administrative or hearing), date and place of the meeting;

148.2. key statements, explanations, findings, opinions and proposals of the Chairman, members of the meeting and other persons participating at the meeting;

148.3. results of vote of the Competition Council on the issue under consideration;

148.4. decision of the Competition Council on the matter under consideration.

149. Persons attending the meeting shall have the right to request to include in the minutes of the meeting the circumstances which they consider essential to the issue under consideration. Minutes of closed meetings shall not be made available, except to persons who are entitled to access them.

151. Persons who have participated in the meeting may submit their written comments within 2 business days from the date of signing the minutes and request to amend the minutes of the meeting. The Chairman of the meeting shall examine a request of the persons having participated in the meeting and make a decision regarding amendments to the minutes of the meeting within 2 business days from the date of receipt of the request.

SECTION FIVE RESOLUTIONS OF THE COMPETITION COUNCIL

152. In resolving matters attributed to its competence, the Competition Council shall adopt resolutions. The Competition Council shall have the right not to record its decisions separately, but shall record them in meeting minutes (minutes resolution). An extract of the minutes (minutes resolution) shall be sent to stakeholders by a decision of the Competition Council.

Amendments to the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 20202020-13131

153. Resolutions of the Competition Council shall be public, except for cases when resolutions are considered confidential in accordance with Article 22(4) of the Law on Competition.

154. The Chairman of the Competition Council shall sign resolutions.

155. Resolutions of the Competition Council shall indicate the following:

155.1. time and place of their adoption;

155.2. the issue under consideration;

155.3. the determined factual and legal circumstances related to the issue under consideration;

155.4. requests, statements, claims or opinions of persons related to the issue under consideration;

155.5. motives which the Competition Council uses to base its resolution;

155.6. legal standards followed by the Competition Council;

155.7. decision of the Competition Council;

155.8. procedure of appeal;

155.9. other requirements which the content of resolutions is subject to established by laws.

156. Except for cases required by law, resolutions may be exempt from certain requirements laid down in clause 155 of the Regulation.

157. The Chairman of the Competition Council shall sign a resolution not later than within 3 business days from the date of signing the minutes of the meeting of the Competition Council where it was adopted.

157¹ Resolutions of the Competition Council that are not published shall enter into force on the date of their signing, unless the resolutions themselves provide for a later date of their entry into force. If resolutions are published on the website of the Competition Council, they shall enter into force on the date of their publication or their serving, whichever is earlier, and if the resolutions themselves do not provide for another date of their entry into force. If resolutions are published in the Register of Legal Acts, they shall enter into force on the day following their official publication in the Register of Legal Acts, unless the resolutions provide for a later date of their entry into force.

Supplemented with the clause:

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 20202020-13131

158. Employees of the administration shall send certified copies or extracts of resolutions to participants in the procedure in the cases specified by laws and the Regulation.

SECTION VI
PRESENTATION OF DOCUMENTS AND OTHER INFORMATION, AND ITS
PROCESSING BY THE COMPETITION COUNCIL

159. The Competition Council shall be provided with documents and other information in accordance with the Rules of Examination of Applications of Persons and Serving Them in Public Administration Institutions, Establishments and Other Public Administration Entities, unless the Regulation establishes otherwise.

160. Documents and other information shall be processed by the Competition Council in accordance with the procedure established by the Law on Competition, the Law on the Prohibition of Unfair Practices of Retailers, other laws, the Regulation and other legal acts. Personal data shall be processed by the Competition Council in accordance with the procedure established by the Rules of Processing of Personal Data in the Competition Council of the Republic of Lithuania.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [IS-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 20202020-13131

161. Documents and other information shall be submitted to the Competition Council in the language in which they have been drafted. If documents and other information have been drafted in a language other than the official Lithuanian language, a translation into the official Lithuanian language certified in accordance with the procedure established by law shall be attached. Documents and other information drafted in English may be submitted without a translation into the official Lithuanian language, but the Competition Council shall have the right to request to provide a translation of documents and other information into the official Lithuanian language.

162. Originals of documents and other information as well as other items received by the Competition Council may be returned to the person having provided them after the expiry of the term for appealing the decision of the Competition Council, if the decision has not been appealed to a court, or after the effective date of a court ruling, if the decision has been appealed to a court.

163. An economic undertaking may submit a reasoned request for protection of its trade secrets (hereinafter – a request to protect trade secrets) together with the documents and other information provided to the Competition Council or as soon as it becomes aware that the Competition Council has documents and other information constituting a trade secret of the undertaking.

164. A request to protect trade secrets shall indicate the following:

164.1. information which the Competition Council should consider an undertaking's trade secret;

164.2. whether or not the information is to be considered a trade secret in respect of all third parties. If the information is not to be considered a trade secret in respect of all third parties, the persons who may have access to the information constituting the trade secret shall be specified. If the request to protect trade secrets does not specify in respect of whom the information is to be considered a trade secret, no third persons shall be deemed to have the right to access such information.

165. Authorized officials or employees of the administration shall have the right to require the economic undertaking to substantiate its request to protect trade secrets.

166. If the economic undertaking fails to specify in its request to protect trade secrets which specific information the Competition Council should consider a trade secret of the undertaking, the authorized official or another employee of the administration delegated by the head of the group or the Senior Advisor of the group may oblige it to indicate this information within the set period of time, which shall be one business day at the least.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

167. The authorized official or another employee of the administration delegated by the head of the group or the Senior Advisor of the group may oblige the economic undertaking, whose

documents or other information constituting a trade secret of the undertaking the Competition Council has, to submit an extract of the document or another information without the information constituting a trade secret (hereinafter – an extract) and the description of information to be protected within the set period of time, which shall be 3 business day at the least. In the extract, the trade secret shall be redacted entering [TRADE SECRET] on it. The description of the information to be protected shall be drafted so as to be able to understand the nature of the information redacted in the extract.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

168. If an undertaking fails to submit a request to protect trade secrets or does not indicate which specific information the Competition Council should consider to be a trade secret of the economic undertaking within the set time limit, or fails to provide an extract and a description of the information to be protected, the information about the economic undertaking available to the Competition Council shall not be considered to be information containing a trade secret.

169. Documents submitted by an economic undertaking or other information which an economic undertaking asked to be considered a trade secret shall not be recognized a trade secret if such information is public or was publicly available in accordance with laws of the Republic of Lithuania before its submission to the Competition Council, or it does not comply with other criteria which trade secrets are subject to.

170. Authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall notify the economic undertaking in writing of their decision to refuse to consider documents or other information submitted by the undertaking, which it asked to be deemed a trade secret, a trade secret within a reasonable period of time before the disclosure of such information.

Amendments to the clause:

No. [IS-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

170¹. Authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall also have the right to decide to disclose trade and professional secrets of economic undertakings to entities suspected of infringements for defence purposes, and to use them, if this is necessary to prove infringements which are subject to imposition of fines according to Article 36 of the Law on Competition. Before making this decision, the authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall offer to the economic undertaking whose commercial and professional secrets are to be disclosed to provide its explanations within the set period of time which shall be not less than 3 business days. Having assessed the explanations made by the economic undertaking, authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall make a decision to disclose trade or professional secrets, if the economic undertaking fails to substantiate that the disclosure of commercial or trade secrets is not necessary to prove infringements, or a decision not to disclose trade or professional secrets if the economic undertaking substantiates that the disclosure of trade or professional secrets is not necessary to prove the infringements. If the economic undertaking fails to make explanations, authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall make a decision to disclose trade or professional secrets.

Supplemented with the clause:

No. [IS-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

171. Documents and other information shall be considered a trade secret of the economic undertaking when bound in a separate file volume, which persons, who do not have the right to access this information, shall not be allowed to access. Authorized officials or other employees of the administration delegated by the head of the group or the Senior Advisor of the group shall prepare an inventory of file volumes containing documents constituting trade secrets of economic undertakings.

Amendments to the clause:

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

172. An economic undertaking or another natural or legal person may file a request to protect documents and information stored in accordance with other laws. In such a case, the procedure of clauses 163 –168 of the Regulation shall apply *mutatis mutandis*.

Amendments:

1.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-147 \(2018\)](#), 30-10-2018, published in RLE 31-10-2018, e. c. 2018-17443

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”

2.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-166 \(2018\)](#), 19-12-2018, published in RLE 19-12-2018, e. c. 2018-20855

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”

3.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-64 \(2019\)](#), 30-05-2019, published in RLE 03-06-2019, e. c. 2019-08852

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”

4.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-67 \(2020\)](#), 15-06-2020, published in RLE 16-06-2020, e. c. 2020-13131

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”

5.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-103 \(2020\)](#), 01-10-2020, published in RLE 02-10-2020, e. c. 2020-20600

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”

6.

Competition Council of the Republic of Lithuania, Resolution

No. [1S-10 \(2021\)](#), 02-02-2021, published in RLE 02-02-2021, e. c. 2021-02042

Regarding amendment to Resolution No 1S-10 (2018) of the Competition Council of the Republic of Lithuania of 1 February 2018 “Regarding the Approval of the Rules of Procedure of the Competition Council of the Republic of Lithuania”