

LEGAL



**CHALLENGES TO ANTITRUST POLICIES IN
CENTRAL AND EASTERN EUROPE
- *BUSINESS PERSPECTIVE***

Grzegorz Kaniecki
General Legal Counsel, Compliance
Officer - Unilever Poland, Lithuania,
Latvia, Estonia
Vice President
Polish Association of Corporate
Lawyers

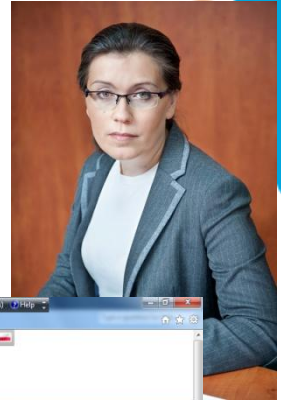
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Szklarski Informacja Prawna Lex Lex Proctio 16/2013 Stan prawny programu: 2013-04-18

PUBLIC ENFORCEMENT

Office of Competition and Consumer Protection

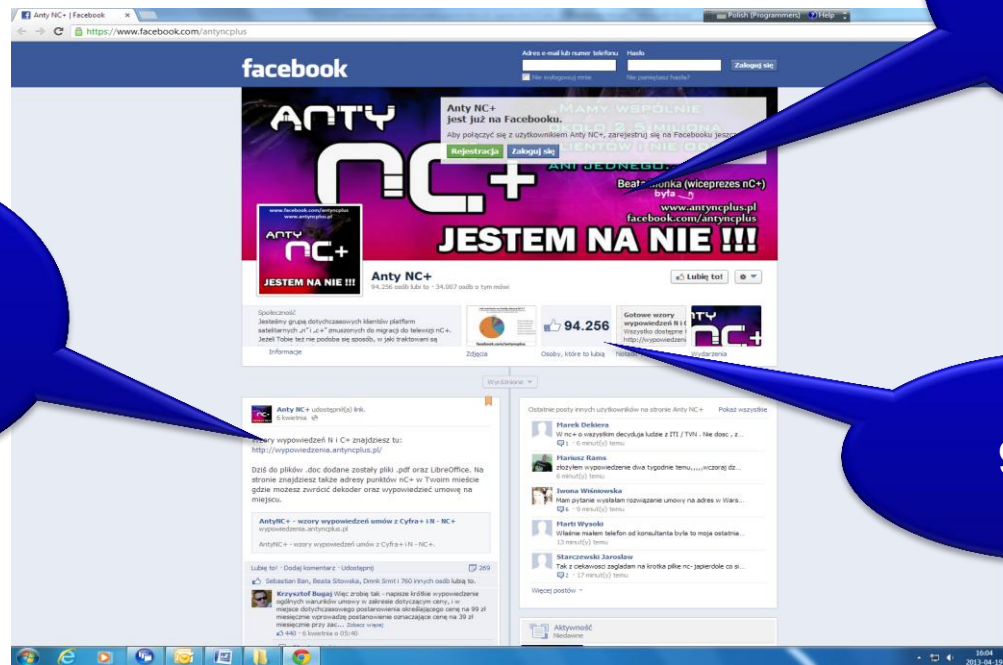
- ✓ Antitrust
- ✓ Merger Control
- ✓ State aid
- ✓ Unfair commercial practices
- ✓ Infringements of the collective consumer interests.
- ✓ Product safety



CONSUMERS

How to
terminate
the
agreement

I'm
against !!!



Active consumers in the most effective way
promote
competition and consumer welfare.

ENVIRONMENT

Private enforcement:

Fully embedded in the legal system:

But ...

- Very high standard of proof
- No effective disclosure rights
- No established damage estimation method



Competition culture:

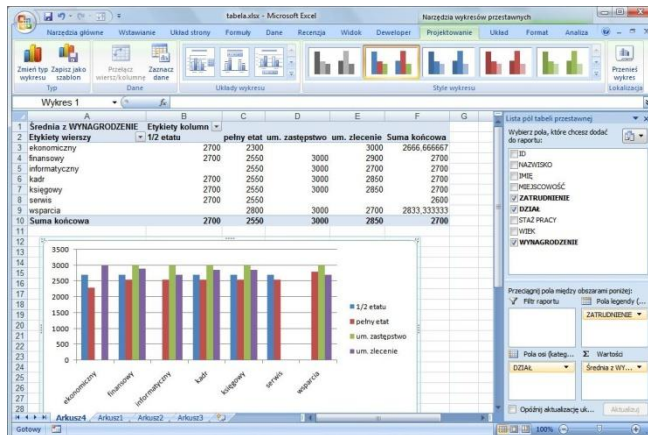
In majority of sectors no tradition of cartel and very competitive structure

But ...

- Public tenders
- Anticompetitive behaviors on the local markets
- Infrastructure sectors (gas, energy)

FROM A FORM-BASED APPROACH TO EFFECTS-BASED APPROACH

- ✓ Available data
- ✓ Use of empirical techniques
- ✓ Limited resources



COMPLIANCE ATTITUDE

➤ 87% of individual entrepreneurs and 71% of entrepreneurs employing 2-9 persons never used any kind of legal services.



➤ 97% of entrepreneurs and corporation which used the legal services used them exclusively for

- Court cases;
- Disputes with the authorities.

➤ Only 3% of entrepreneurs would see the value added when the contract is checked by the lawyer.

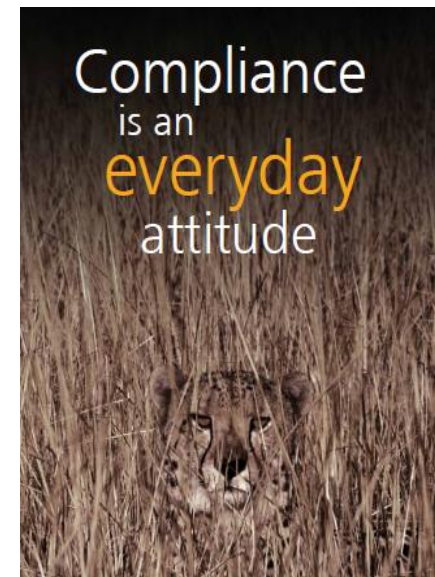


PART OF BROADER COMPLIANCE CHALLENGE



Integrity is an asset !

- Need to manage numerous considerations e.g. also:
 - ✓ Consumer protection
 - ✓ Bribery
 - ✓ Health and safety
 - ✓ Tax & accounting
 - ✓ Environment protection
 - ✓ Employees rights
 - ✓ Private data protection
 - ✓ Insider trading
- Internal “contest” for resource and visibility
- Deterrence factor (including criminal responsibility) in all areas of law



Thank you !