

CZECH REPUBLIC			
COMPETITION FRAMEWORK			
Competition Law	The Act no. 143/2001. Coll. of April 4, 2001 on the Protection of Competition and on Amendment to Certain Acts (Act on the Protection of Competition), as amended.		
Competition Authority	The Czech Office for Competition (“Office”) started functioning on July 1, 1991. Website: http://www.compet.cz/en/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: The Office is the central body of state administration, fully independent in its decision-making activities. None of the bodies of state administration, including the government, can interfere with the decisions of the Office and political control over its decisions is ruled out.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before Parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The Office has a two-instance decision procedure. Parties can appeal against 1st-instance decision to the chairman of the Office, who decides in the 2nd instance. It is subsequently possible to appeal against the chairman's decision to the Regional Court in Brno and subsequently to the Supreme Administrative Court in Brno.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> article 1 of the Act on the Scope of Competence of the Office for the Protection of Competition, 273/1996 Coll.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> article 20 of the Act on the Protection of Competition.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	No one can be appointed as chairman of the Office more than twice.	
Are the heads appointed by a minister?	Yes	According to article 1(3) of the Act on the Protection of Competition, the Office is headed by a chairman who is appointed by the president of the Republic upon the Government's proposal.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes	According to article 1(5) of the Act on the Protection of Competition, the term of office of the Chairman is six years. The specific causes for removal are stated in articles 1(7) and (8) of the Act on the Protection of Competition.	
Is the tenure of the heads renewable?	Yes	Only once.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No	The only requirement is that the chairman must not be a member of a political party or movement.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	Trida Kpt. Jarose 7 - 604 55 Brno.	

POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Telecommunications regulator	Yes	
	Energy regulator	Yes	
	Transport regulator	No	
	Other	No	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: The Office is responsible also for public procurement and state aid.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See article 3 of the Act on the Protection of Competition.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See article 21(f) of the Act on the Protection of Competition.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See article 3 of the Act on the Protection of Competition.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See http://www.compet.cz/en/competition/antitrust/new-leniency-programme/#c211	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No		
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	See article 20 of the Act on the Protection of Competition.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes		
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		