

POLAND			
COMPETITION FRAMEWORK			
Competition Law	The Act on Competition and Consumer Protection was enacted on February 16, 2007.		
Competition Authority	The Office of Competition and Consumer Protection (“UOKiK”). Website: <a href="http://www.uokik.gov.pl/home.php">http://www.uokik.gov.pl/home.php</a>		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	√	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.
Does the Competition Authority have obligations before the legislature?	No	X	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.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Act, Title V, Chapter 1, articles 29-30.	
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?	Yes	See Competition Act, Title V, Chapter 1, article 29.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	See Competition Act, Title V, Chapter 1, article 31.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<b>Fiscal year budget for 2012:</b> Approximately 53 million PLN.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	The UOKiK can collect fees. See e.g., Competition Act, article 94(4), but the fees shall constitute the state budget income. See also Competition Act, article 95(5).	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	See Competition Act, Title V, Chapter 1, article 29.	
Does a minister appoint the heads?	Yes	See Competition Act, Title V, Chapter 1, article 29(3).	
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	No	See Competition Act, Title V, Chapter 1, article 29(4).	
Is the tenure of the heads renewable?	No		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See Competition Act, Title V, Chapter 1, article 29(3)(a).	
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	See Competition Act, Title V, Chapter 1, article 33(1).	
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?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive	Multiple mandates	√	Concurrent consumer protection mandate.

mandate on competition or multiple mandates?		X	Concurrent IP mandate.
			<b>Other mandates:</b> The Energy Law Act, The Telecommunications Law Act, and the Railroad Transportation Act all established sectoral regulators with whom UOKiK cooperates to ensure presence of competition policy principles, as well as to maintain overall coherence in enforcement of the Polish competition law.
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes		<i>See</i> Competition Act, Title II.
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		<i>See</i> Competition Act, Chapter 2.
Does the Competition Authority have powers to accept leniency applications?	Yes		<i>See</i> Competition Act, Title VII, article 109.
Does the Competition Authority have powers to seek criminal punishment?	No		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes		<i>See</i> Competition Act, Title V, Chapter 1, article 31.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No		
<b>Rulemaking</b>			
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.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes		The Department of Market Analyses carries out research of the markets. <i>See</i> The Department of Market Analyses at <a href="http://www.uokik.gov.pl/departments.php#faq500">http://www.uokik.gov.pl/departments.php#faq500</a> .
Can the Competition Authority report to the legislature on the results of market studies?	Yes		The Act of 2007 gives the UOKiK's president the power to prepare governmental programs on the development of competition policy.
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
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		<i>See</i> Competition Act, article 105(a).
Can the Competition Authority's decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
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		