Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

22 April 2004 [shall come into force on 1 May 2004];

13 March 2008 [shall come into force on 16 April 2008];

14 November 2008 [shall come into force on 1 January 2008];

18 June 2009 [shall come into force on 1 September 2009];

1 December 2009 [shall come into force on 24 September 2010];

12 September 2013 [shall come into force on 1 January 2014];

21 May 2015 [shall come into force on 1 January 2016];

12 May 2016 [shall come into force on 15 June 2016];

5 October 2017 [shall come into force on 1 November 2017];

28 March 2019 [shall come into force on 23 April 2019];

16 November 2021 [shall come into force on 1 January 2022];

9 June 2022 [shall come into force on 23 June 2022].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Competition Law**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **dominant position** – an economic (commercial) position in a relevant market of a market participant or several market participants if such participant or such participants have the capacity to significantly prevent, restrict or distort competition in any relevant market for a sufficient period of time by acting with full or partial independence from competitors, clients, suppliers or consumers;

11) **European Competition Network**– the network of public authorities which is formed by the competition authorities and the task of which is to serve a forum for discussions and cooperation as regards the application and enforcement of Articles 101 and 102 of the Treaty on the Functioning of the European Union;

12) **leniency programme**– a programme which is implemented in order to apply Article 101 of the Treaty on the Functioning of the European Union or Section 11 of this Law in accordance with which a participant to an agreement of leniency programme, independently of the other market participants involved in the violation, cooperates in investigation with the competition authority, voluntarily providing the information known to it on the violation and its role therein in return for which receiving, by a relevant decision or by a discontinuation of proceedings, immunity from, or a reduction of, the fine for its involvement in the violation;

13) **leniency statement**– an oral or written presentation voluntarily provided by, or on behalf of, a market participant or a natural person to a competition authority or a record of the abovementioned information where the information at the disposal of that market participant or natural person on agreement of leniency programme and the role of that market participant or natural person therein is described, and which was drawn up specifically for submission to the relevant competition authority with a view to obtaining immunity or a reduction of fines under a leniency programme, and which does not include evidence that exists irrespective of the enforcement proceedings, whether or not such information is in the file materials of a competition authority, namely pre-existing information;

14) **applicant for a leniency programme**– a market participant that applies for immunity from, or a reduction of, a fine under a leniency programme;

15) **agreement of leniency programme**– cartel, vertical agreement on the determination of resale price or agreement on passive sale restriction prohibition;

16) **settlement submission**– the information provided voluntarily by, or on behalf of, a market participant to a competition authority where the market participant acknowledges or refuses to dispute its participation in the violation referred to in Article 101 or 102 of the Treaty on the Functioning of the European Union or Section 11, Paragraph one or Section 13 of this Law and its responsibility for the abovementioned violation, and which was drawn up specifically to enable the competition authority to apply a simplified or expedited investigation of the case;

2) **decisive influence** – the capability, directly or indirectly, to:

a) control (regularly or irregularly) the taking of decisions in market participant supervisory bodies, with or without active participation thereof,

b) appoint such number of members in the market participant supervisory or executive body, which ensures for the wielder of the decisive influence a majority of votes in the respective body;

21) **cartel agreement**– an agreement between competitors aimed at preventing, restricting, or distorting competition by implementing, but not limited to, fixing or coordination of purchase or selling prices or other trading conditions, including in relation to intellectual property rights, the allocation of production or sales quotas, the sharing of markets and customers, including participation or non-participation in competitions or auctions or an agreement on the provisions for such actions (inactions), the restrictions of import or export or anticompetitive activities against other competitors;

3) **relevant geographical market** – a geographical territory in which competition conditions in a relevant market of a product are sufficiently the same for all participants in such market and therefore this territory can be separated from other territories;

4) **relevant market** – the relevant product market which has been evaluated in connection with a relevant geographical market;

5) **relevant product market** – a particular product market which also includes all those products which may be substituted for this particular product in a relevant geographical market, taking into consideration the factor of substitution of demand and supply, the specific features of the product and characteristics of its use;

6) **competition** – the existing or potential economic (commercial) rivalry between two or more market participants in a relevant market;

61) **competition authority**– a competition authority of the Member State or the European Commission or both, as the context may require;

7) **competitors** – two or more market participants who compete;

71) **indirect purchaser**– a natural or legal person who has acquired, not directly from an infringer, but from a direct purchaser or a subsequent purchaser, goods that are the object of an infringement of competition law, or goods containing them or derived therefrom;

72) **infringer**– a market participant or an association of market participants which has committed an infringement of competition law;

73) **overcharge**– difference between the price actually paid and the price that would otherwise have prevailed in the absence of an infringement of competition law;

74) **applicant authority**– a competition authority of the Member State which submits the request for mutual assistance provided for in Chapter IX of this Law;

75) **requested authority**– a competition authority of the Member State which receives a request for mutual assistance and in relation to the request for mutual assistance referred to in Chapter IX of this Law may be a competent public body which has principal responsibility for the enforcement of such decisions under national laws, regulations and administrative practice;

8) **product** – tangible or intangible property or service which satisfies some need and for which a price may be specified when purchasing or selling such product on the market;

81) **direct purchaser**– a natural or legal person who has acquired, directly from an infringer, goods that are the object of an infringement of competition law;

9) **market participant** – any person (also foreign persons), who performs or is preparing to perform economic activity in the territory of Latvia or whose activity shall influence competition in the territory of Latvia. If a market participant or several market participants jointly have a decisive influence over one market participant or several other market participants, then all market participants may be considered as one market participant;

10) **market share** – that share of products which a market participant offers in a relevant market in relation to the total amount of products offered in such market;

11) **agreement** – a contract between two or more market participants or concerted practices in which market participants participate, as well as a decision taken by a registered or unregistered association (association, union and the like) of market participants or by an official of such association.

[*22 April 2004; 13 March 2008; 5 October 2017; 9 June 2022*]

**Section 2. Purpose of this Law**

The purpose of this Law is to protect, maintain and develop free, fair and equal competition in the interests of the public in all economic sectors by restricting market concentration, imposing as obligation the termination of activities prohibited by the laws and regulations governing competition, and by calling to account persons at fault in accordance with procedures laid down in laws and regulations.

**Section 3. Application of this Law**

(1) This Law applies to market participants, registered or unregistered associations of market participants, and institutions of direct or indirect administration, and also to capital companies in which a public entity has decisive influence.

(2) An institution of direct and indirect administration, and also a capital company in which a public entity has decisive influence shall ensure free and fair competition in its activities.

[*28 March 2019*]

**Chapter II**

**Competition Council**

**Section 4. Legal Status of the Competition Council**

(1) The Competition Council is the institution of direct administration under supervision of the Cabinet which acts in accordance with this Law and other laws and regulations. The Competition Council shall be established by the Cabinet and its institutional supervision is implemented with the intermediation of the Minister for Economics.

(2) The supervision shall not apply to the implementation of the tasks and rights determined for the Competition Council, and also internal organisation issues of the Competition Council, including entering into interdepartmental agreements, issue of internal regulatory enactments, preparation of an ascertainment, and decisions which apply to the persons employed in this institution (for example, the decisions on recruitment and dismissal of employees, transfer and harmonisation thereof, sending on official travel, initiation of disciplinary matters, examination thereof, and application of disciplinary penalties).

(3) The Competition Council shall, according to its competence, take decisions and carry out the tasks laid down for it in the law without assistance, and it is independent in its activity.

(4) The operation of the Competition Council shall be financed from the State budget. The Competition Council shall be financed so as to ensure its independence and efficient application of Sections 101 and 102 of the Treaty on the Functioning of the European Union.

(5) The Competition Council has a stamp with the supplemented lesser State coat of arms and full name of the Competition Council.

[*9 June 2022*]

**Section 5. Composition and Operation of the Competition Council**

(1) The council shall be the decision-making body of the Competition Council which takes decisions on behalf of the Competition Council and enters into administrative contracts on competition matters. The Competition Council shall consist of units that ensure its operation through performing the functions of the secretariat and experts, by preparing case materials, documents, and draft decisions to be reviewed at the meetings of the council, and by representing the Competition Council in a court and when enforcing the decisions taken by the Competition Council.

(2) The Cabinet shall, upon recommendation of the Minister for Economics, approve the chairperson of the Competition Council who is also the chairperson of the council and four council members of the council in their positions for five years. The same person may be the chairperson of the council or a council member not more than two terms of office in succession.

(21) The candidates for the position of the chairperson of the council and council member shall be selected by open competition. Selection of candidates shall be carried out by the candidate assessment committee the composition of which is determined by the Cabinet. The State Chancellery shall carry out the secretariat functions of the candidate assessment committee.

(22) The Cabinet shall determine the following for the candidates for the position of the chairperson of the council and council members:

1) the application conditions and procedures;

2) the selection criteria and evaluation procedure;

3) the procedures for the establishment, operation, and decision-making of the assessment committee.

(23) The candidate assessment committee referred to in Paragraph 2.1 of this Section is entitled to request the information and documents from competent authorities which justify the requirements and restrictions provided for in Sections 5.1 and 5.2 of this Law in order to hold the position of the chairperson of the council and council members.

(3) [16 November 2021]

(4) [9 June 2022]

(5) The Competition Council shall sit at closed meetings unless decided otherwise. The meetings shall be convened upon request of the chairperson of the council or all council members. The Competition Council is entitled to take a decision or to enter into an administrative contract if at least three council members have voted for it.

(6) Minutes shall be taken at meetings of the Competition Council. All council members who participated in the meeting shall sign the minutes of the meeting. When signing the minutes of a meeting, a council member may record his or her views regarding the issues under examination or make a note regarding appending of a written substantiation of his or her views to the minutes.

(61) The council shall approve:

1) the medium-term operational strategy of the institution;

2) the by-laws of the institution where the structure of the institution is determined;

3) the strategy for the prioritisation and the priorities for the current year, ensuring public availability thereof;

4) the provisions for the internal operations;

5) the internal control system and its supervision;

6) the procedures for the pre-control and post-control of decisions;

7) the content and form of the service certificate of the civil servant of the institution.

(7) The decision of the Competition Council and administrative contract shall be signed by the chairperson of the council.

(8) The chairperson of the council:

1) shall carry out the functions of the head of an institution of direct administration laid down in the State Administration Structure Law;

11) shall appoint to the office and dismiss from it the employees and civil servants of the Competition Council, shall determine offices for the employees and civil servants;

2) shall manage the funds of the Competition Council and be responsible for their use;

3) shall chair and organise the meetings of the Competition Council;

4) shall represent the Competition Council without any special authorisation;

5) is entitled to give direct orders to any staff member of the Competition Council;

6) is entitled to give orders to council members only in relation to organisational issues related to the fulfilment of the official duties;

7) is entitled to participate in the meeting of State Secretaries, the Cabinet Committee meetings, and the Cabinet sittings in the capacity of an advisor.

(81) The requirements of other laws and regulations regarding the evaluation of the activity of a State civil servant and the results thereof, suspension and disciplinary liability of a civil servant, and also other legal norms restricting independence of the council shall not apply to the chairperson of the council and council members.

(9) During illness or absence of the chairperson of the council, his or her duties shall be fulfilled by a council member who has been authorised by the chairperson of the council in accordance with the by-laws of the Competition Council.

(10) After expiry of the term of office, the former chairperson of the council or a council member shall continue to fulfil his or her duties until taking the office after re-appointment or when the newly appointed chairperson of the council or council member takes office.

[*12 May 2016; 16 November 2021; 9 June 2022 / Paragraphs 2.1 and 2.2 shall come into force on 1 August 2022. See Paragraph 21 of Transitional Provisions*]

**Section 5.1Requirements for the Candidates for the Office of the Chairperson of the Council and Council Members**

(1) A person who meets the mandatory requirements for the office of a civil servant laid down in the State Civil Service Law may be appointed as the chairperson of the council and council member, and he or she:

1) has impeccable reputation;

2) has acquired at least a master’s degree or a degree equivalent to it;

3) is proficient in at least one foreign language;

4) has a professional qualification, knowledge, and experience which ensure the performance of the tasks laid down for the Competition Council in this Law and other laws and regulations;

5) is entitled to obtain a personnel security clearance for access to the official secret.

(2) A person who has corresponding experience for the office of the head of an organisation or another leading office may be appointed as the chairperson of the council.

(3) The chairperson of the council and council member shall assume the office and take up his or her official duties starting from the day when he or she is appointed to the office.

[*9 June 2022* / *See Paragraph 23 of Transitional Provisions*]

**Section 5.2 Restrictions Laid Down for the Chairperson of the Council and Council Members**

The following person may not be the chairperson of the council and council member:

1) against whom criminal prosecution for an intentional criminal offence has been initiated;

2) for whom the status of a debtor has been determined in accordance with the Maintenance Guarantee Fund Law;

3) for whom the insolvency proceedings of a natural person have been announced or five years have not elapsed from the day of termination thereof;

4) who is a member of the *Saeima* or a councillor or holds elected offices in the management of political organisations or parties.

[*9 June 2022*]

**Section 5.3Dismissal of the Chairperson of the Council and Council Member from the Office**

(1) The Cabinet shall dismiss the chairperson of the council and council member from the office before the specified time period in the following cases:

1) the submission of the chairperson of the council or council member for resignation from the office has been received;

2) the chairperson of the council or council member has not been able to perform his or her official duties due to illness or other reasons for more than six successive months;

3) when performing the official duties, the chairperson of the council or council member has committed an intentional violation of the law or negligence and thus caused significant damage to the State or person;

4) the chairperson of the council or council member has not complied with the restrictions and prohibitions laid down in the law On Prevention of Conflict of Interest in Activities of Public Officials and thus caused damage to the State or person;

5) the non-conformity of the chairperson of the council or council member with the requirements of Section 5.1 of this Law has been established or any of the restrictions laid down in Section 5.2, Clause 2, 3, or 4 of this Law or Section 7 of the Civil Service Law has set in.

(2) The issue on the dismissal of the chairperson of the council or council member from the office upon proposal of the Minister for Economics shall be assessed by the committee established by the Cabinet (hereinafter – the Committee), except for the case referred to in Paragraph one, Clause 1 of this Section. The State Chancellery shall perform the secretariat functions of the Committee.

(3) The Committee is entitled to request the information and documents from the competent authorities which justifies the reasons for dismissal from the office referred to in Paragraph one of this Section, and also to invite experts and listen to the chairperson of the council or council member.

(4) In order for the Committee to ascertain regarding setting in of the restrictions referred to in Section 7, Paragraph one, Clauses 5 and 6 of the State Civil Service Law, the State Chancellery shall request the information from the State Information System “Punishment Register” under supervision of the Information Centre of the Ministry of the Interior.

(5) The Committee shall take one of the following decisions:

1) to submit the proposal to the Cabinet on dismissal of the chairperson of the council or council member from the office;

2) to inform the Minister for Economics that there is no reason to dismiss the chairperson of the council or council member from the office.

(6) If the Committee establishes that any of the reasons referred to in Paragraph one of this Section for the dismissal of the chairperson of the council or council member from the office exists and takes the decision referred to in Paragraph five, Clause 1 of this Section, it shall prepare a relevant draft Cabinet order and:

1) shall send it to the Minister for Economics for the submission to the Cabinet;

2) shall, within five working days after taking of the relevant decision, inform the chairperson of the council or council member thereof in writing.

(7) In the case referred to in Paragraph one, Clause 1 of this Section, the Minister for Economics shall prepare and submit the decision to the Cabinet (draft Cabinet order) to dismiss the chairperson of the council or council member from the office.

[*9 June 2022*]

**Section 5.4 Suspension of the Powers of the Chairperson of the Council and Council Members**

(1) If a security measure related to imprisonment is applied for the chairperson of the council or council member or criminal prosecution for intentional criminal offence has been commenced against him or her, the Minister for Economics shall suspend his or her powers until the time when a judgment of acquittal enters into effect in the relevant criminal case or criminal proceedings against him or her are terminated for exonerating reasons.

(2) The minimum monthly wage specified in the State shall be disbursed to the chairperson of the council or council member during the time period of suspension of the powers. If, during the time period of suspension of the powers, an official combines the office of the State official with the office allowed in the law and gains income, the minimum monthly wage shall not be disbursed for the next period from the day of suspension of the powers.

(3) If the chairperson of the council or council member has been found guilty of committing an intentional criminal offence in accordance with the procedures laid down in the law, he or she shall be regarded to be dismissed from the office from the day of suspending the powers and work remuneration shall not be disbursed for the time period of suspension of the powers, but if the minimum monthly wage has been paid to him or her during the time period of suspension of the powers, the difference between full work remuneration and minimum monthly wage shall not be disbursed. If the chairperson of the council or council member is acquitted or criminal proceedings against him or her are terminated, the work remuneration shall be disbursed for the time period of suspension of the powers, but if during the time period of suspension of the powers the minimum monthly wage has been disbursed, the difference between full work remuneration and minimum monthly wage shall be disbursed, unless there are other grounds for dismissal from the office determined in this Law.

(4) If criminal proceeding have been terminated against the chairperson of the council or council member for reasons other than exoneration, the issue about his or her dismissal from the office shall be assessed by the committee referred to in Section 5.3, Paragraph two of this Law.

(5) In order to ascertain the setting in of the case referred to in Paragraph one of this Section, the Ministry of Economics shall request the information from the State Information System “Punishment Register” under supervision of the Information Centre of the Ministry of the Interior.

[*9 June 2022*]

**Section 6. Tasks of the Competition Council**

(1) The Competition Council shall:

1) monitor compliance with the prohibition against the abuse of dominant position and prohibited agreements by market participants, prescribed in this Law, other laws and regulations and international contracts;

2) monitor compliance with the Advertising Law within the scope of its competence;

3) examine the submitted notifications on agreements between market participants and take decisions thereon;

4) restrict market concentration by taking decisions in relation to mergers of market participants;

5) co-operate, within the scope of its competence, with the relevant foreign institutions;

6) monitor the compliance of an institution of direct or indirect administration, and also a capital company in which a public entity has decisive influence with the obligation to ensure free and fair competition;

7) according to the competence, draft legislative proposals and duly submit them to the Ministry of Economics;

8) prepare draft opinions on draft laws and regulations to be examined in the Cabinet which, directly or indirectly, may refer to the protection, maintenance, or development of competition;

9) where necessary, in cases of privatisation, reorganisation, and demonopolisation of State or local government undertakings (companies) supply the institution concerned with written proposals or opinions on compliance with competition protection, maintenance, or development principles.

(2) The Competition Council shall inform the public of the performance of the tasks of the Competition Council and of other issues related to the protection, maintenance, and development of competition. The Competition Council shall publish the decisions taken in accordance with Section 8, Paragraph one, Clauses 3, 5, and 6 of this Law on its website and in the gazette *Latvijas Vēstnesis*.

(21) The Competition Council shall, each year by 1 March, submit the activity report on the previous year to the *Saeima* and Cabinet, and also post it on its website.

(3) [9 June 2022]

[*22 April 2004; 13 March 2008; 14 November 2008; 12 May 2016; 28 March 2019; 9 June 2022*]

**Section 6.1 Advisory Council**

(1) The Minister for Economics shall establish the Advisory Council in the composition of which the representatives from the State authorities and associations and foundations representing the interests of social and cooperation partners shall be included.

(2) The Advisory Council has the following tasks:

1) to ensure as extensive public consultations on the operation strategy of the Competition Council as possible, to provide recommendations in respect of its strategic work directions, and to examine the course of the strategy implementation and possibilities for the work improvement;

2) to promote the provision of proposals in relation to the development and implementation of the competition policy and the preparation of the relevant laws and regulations or planning documents in the field of the competition policy;

3) to provide opinions on the guidelines prepared by the Competition Council and the case prioritising strategy, and also the proposals for the institution operation priorities;

4) to provide the opinion on the activity report referred to in Section 6, Paragraph 2.1 of this Law and the report of the Competition Council thereon.

(3) The decisions of the Advisory Council shall be of recommendatory nature.

(4) The functions of the Secretariat of the Advisory Council shall be fulfilled by the Competition Council.

(5) The by-laws and staff of the council shall be approved by the Minister for Economics.

[*9 June 2022*]

**Section 7. Rights of the Competition Council**

(1) The Competition Council is entitled to:

1) carry out market inquiries and conduct investigations of the violations of this Law and the Advertising Law;

2) provide opinions on the conformity of the activities of market participants with the laws and regulations governing competition;

3) submit applications, submissions and complaints to a court in the cases provided for in this Law and other laws and regulations;

4) publish the views and recommendations of the Competition Council;

5) apply the European Union competition law;

6) fulfil the obligations imposed on a Member State competition authority by 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 (Text with EEA relevance) (hereinafter also called – Council Regulation No 1/2003), and to use the rights provided for in this Regulation;

7) engage experts, counsellors or specialists to perform the tasks provided for in this Law;

8) perform the obligations provided for in Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, and exercise the rights provided for therein;

9) prioritise the tasks referred to in Section 6, Paragraph one of this Law;

10) to request and to receive direct access to the information accumulated in the State information system regarding procurements, procurement procedures, submitted applications and tenders.

(2) The Competition Council is entitled to evaluate the draft legislation and other documents prepared by other authorities and to provide opinions thereon, if they include provisions influencing the market mechanism the enforcement of which could directly or indirectly restrict competition.

(3) When deciding on the initiation of a case or taking a decision in an initiated case, the Competition Council is entitled to determine whether the actions taken by the market participant have caused or have the capacity to cause significant impact on competition.

(4) The mandate of an official of the Competition Council shall be attested by a service identification document.

[*22 April 2004; 13 March 2008; 14 November 2008; 12 May 2016; 5 October 2017; 28 March 2019; 9 June 2022*]

**Section 8. Decisions of the Competition Council**

(1) The Competition Council shall decide on:

1) the initiation of a case;

2) the extension of the time period for taking the decision;

3) the establishment of a violation, imposition of a legal obligation and fines;

4) the termination of an investigation of a case;

5) mergers of market participants;

6) notified agreements;

7) the violations of the Advertising Law;

8) the examination of submissions and complaints.

(2) The decisions of the Competition Council referred to in Paragraph one of this Section, except for decisions on the initiation of a case and extension of the time period for the taking of a decision, may be appealed by a market participant to a regional administrative court within one month from the day when such decision came into effect. The court shall examine a case as the court of first instance. The case shall be examined in the composition of three judges. A judgement of the Regional Administrative Court may be appealed by submitting a cassation complaint.

(3) [12 May 2016]

(4) [12 May 2016]

(5) The Competition Council is exempt from court costs, if it submits an application, submission or lodges a complaint in court in relation to the violations of this Law or other laws and regulations applicable in this field.

(6) Directions for the commencement of an investigation of a case in the particular case, as well as for the manner in which the investigation shall be conducted or a decision shall be taken, may not be given to the Chair and members of the Competition Council by the Cabinet, the Minister for Economics or other persons. The Competition Council shall not agree upon the ascertainment with a higher institution.

(7) The decisions of the Competition Council are binding on market participants, and associations of market participants.

(8) The decisions of the Competition Council shall be executed voluntarily. Compulsory enforcement of a decision not executed voluntarily shall be carried out by a bailiff. The Competition Council is exempt from the payment of the State fee for the submission of a decision for enforcement.

[*22 April 2004; 13 March 2008; 14 November 2008; 12 May 2016; 16 November 2021*]

**Section 8.1 Forced Execution of Legal Obligation**

(1) In case of a failure to comply with a legal obligation, the Competition Council may carry out forced execution of the legal obligation by imposing pecuniary penalty in accordance with the procedures laid down in the Administrative Procedure Law, insofar as other procedures are not laid down in this Law.

(2) The addressee shall get a written warning on forced execution of the legal obligation. The warning is not subject to appeal.

(3) The Competition Council shall impose a pecuniary penalty with an executive order which may be issued repeatedly until the addressee has fulfilled its legal obligation.

(4) Prior to issuing the executive order, the Competition Council shall notify the addressee in writing that the information required for the issuance of the executive order has been obtained. The addressee may become acquainted with the case, express its opinion, and submit additional information within seven days after receipt of the abovementioned notification.

(5) The amount of pecuniary penalty shall be determined up to five percent of the average net daily turnover in the last financial year per day, but not less than 250 euros per day until the legal obligation has been fulfilled.

(51) If the violation is committed in the case regarding the potential infringement of European Union competition law, the amount of the pecuniary penalty shall be determined in the amount of up to five percent of the average net daily total worldwide turnover in the last financial year per day, but not less than EUR 250 per day until the legal obligation has been fulfilled.

(6) A complaint on the executive order may be submitted with the Administrative Regional Court within seven days after its receipt. The complaint shall be examined within a reasonable time period, but not later than within one month from the day of its receipt.

(7) Appeal of the executive order shall not suspend its enforcement. The executive order on pecuniary penalty shall be enforced in accordance with the procedures laid down in Section 8, Paragraph eight of this Law.

(8) The Cabinet shall determine the procedures for the determination of the net turnover of the financial year from which pecuniary penalty is calculated, and the criteria for the determination of the amount of pecuniary penalty.

(9) If a private individual has incurred damages as a result of unlawful forced execution of a legal obligation, it is entitled to indemnification in accordance with the provisions of the Administrative Procedure Law and the Law On Indemnification of Damages Caused by State Administration Institutions.

[*12 May 2016; 9 June 2022 / The new wording of Paragraph eight shall come into force on 1 November 2022. See Paragraph 24 of Transitional Provisions*]

**Section 9. Powers of the Competition Council**

(1) [12 May 2016]

(2) [12 May 2016]

(3) [12 May 2016]

(4) [12 May 2016]

(5) The Competition Council, when carrying out market inquiry or investigating the violations of this Law or of the Advertising Law and ensuring the enforcement of its decisions, is entitled to:

1) request and receive from any person and association of persons in the manner stipulated by the Competition Council for provision of information and within the time period laid down in Section 26, Paragraphs two and three of this Law, any information necessary for the performance of the tasks specified in this Law and the Advertising Law (also information containing commercial secret), as well as written or oral explanations;

2) request any person who is related to a violation of this Law or of the Advertising Law or whose explanations may be of importance in the case to appear for an interview;

3) pay a visit to any market participant or an association of market participants (including without prior notice). During the visit, the officials of the Competition Council have the right to, by presenting a written authorisation issued by the institution where the subject-matter and purpose of the inspection is specified:

a) request documents (including documents prepared electronically and containing commercial secret), become acquainted on site therewith and receive such documents or the derivative documents thereof certified in accordance with the procedures laid down in laws and regulations;

b) request and receive written or oral explanations from the employees of a market participant;

c) seize items and documents of a market participant or an association of market participants which may be of importance in the case;

4) on the basis of a judicial warrant, without prior notice and in the presence of police, to enter the non-residential premises, means of transport, flats, structures and other immovable and movable objects that are in the ownership, possession or use by a market participant or by an association of market participants or employees of such market participant or association of market participants, to open them and the storage facilities existing therein, carry out a forcible search of the objects and the storage facilities therein and perform an inspection of the existing items and documents therein including the information (data) stored on computers, floppy disks and other information media in an electronic information system. If a person whose items or documents undergo a search refuses to open the objects or storage facilities existing therein, the officials of the Competition Council are entitled to open them without causing substantial damage. During the search and inspection the officials of the Competition Council are entitled to:

a) prohibit the persons who are present at the site under inspection from leaving the site without permission, from moving and from conversing among themselves until the end of the search and inspection;

b) become acquainted with the information included in the documents and in the electronic information system (including information containing commercial secret);

c) seize the discovered items and documents which may be of importance to the case;

d) request and receive derivative documents certified in accordance with the procedures laid down in laws and regulations;

e) print out or record the information (data) stored in the electronic information system to electronic information media;

f) request and receive written or oral explanations;

g) temporarily, but not longer than for 72 hours, where necessary, seal repeatedly the non-residential premises, means of transport, structures and other objects and the storage facilities therein in order to ensure the preservation of evidence;

5) on the basis of a judicial warrant, if there are justifiable grounds for suspicion that documents or items that might serve as evidence of a violation of this Law are being stored in non-residential premises, means of transport, flats, structures and other immovable and movable objects in the ownership, possession or use of other persons, perform, in relation to such persons, the activities referred to in Clause 4 of this Paragraph in the presence of police;

51) continue the procedural actions specified in Clause 4, Sub-clauses “'b” and “e” of this Paragraph in the premises of the Competition Council or other premises accordingly specified;

6) on the basis of a judicial warrant or with a consent of the data subject, when investigating an infringement of competition law which manifests itself as a prohibited agreement, request that the electronic communications merchant disclose and release the data to be stored in accordance with the Electronic Communications Law;

7) in accordance with the Credit Institution Law and on the basis of a judicial warrant, when investigating an infringement of competition law, request that the credit institution provide the undisclosable information at its disposal. Disclosure of information to the Competition Council in accordance with the procedures laid down in this Section shall not be considered as disclosure of undisclosable information and shall not result in legal liability to a credit institution, including civil legal liability.

(6) During the procedural actions referred to in Paragraph five, Clauses 4 and 5 of this Section the market participant or an association of market participants, the employees of such market participant or an association of market participants, and other persons connected with the violation under investigation, upon lawful request from the officials of the Competition Council, have the obligation to:

1) ensure access to any of the non-residential premises, means of transport, flats, structures and other immovable and movable objects owned by them, in the possession thereof, or used by them, by opening them and the storage facilities therein;

2) ensure access to the documents compiled or stored in any way, place, or form, and also to the information (data) stored in the electronic information system;

3) provide full and truthful requested information within a specified period of time;

4) issue the requested documents, true copies (copies) or extracts thereof, and certify the accuracy thereof in accordance with the procedures laid down in laws and regulations;

5) attest to the authenticity of print-outs of the information (data) stored in the electronic information system and the authenticity of the records made in electronic information media;

6) meet other lawful requests made by officials of the Competition Council.

(7) [12 May 2016]

(8) [12 May 2016]

(9) The State Police shall provide assistance to the officials of the Competition Council in the performance of the procedural actions referred to in Paragraph five of this Section.

(10) The experts attracted by the Competition Council or specialists from the law-enforcement institutions, and also experts of other State administration institutions or specialists in the field of information technologies are entitled to participate in the performance of the procedural actions referred to in Paragraph five, Clause 4 of this Section together with the officials of the Competition Council.

[*22 April 2004; 13 March 2008; 14 November 2008; 12 May 2016; 9 June 2022*]

**Section 9.1 Judicial Warrant**

[12 May 2016]

**Section 9.2 Procedural Action Minutes**

(1) The procedural actions related to market inquiry and investigation of the violations referred to in Section 9, Paragraph five of this Law shall be recorded by the officials of the Competition Council in procedural action minutes.

(2) The following information shall be included in the procedural action minutes:

1) the venue and the date of occurrence of the action;

2) the legal basis for the performance of the action;

3) the time when the action was initiated and completed;

4) the positions, names and surnames of the persons who performed the procedural action;

5) the position, name and surname of the minute-taker;

6) the positions, names and surnames of the persons – participants in the action;

7) the course of the action and the established facts;

8) the items and documents obtained during the procedural action.

(3) The items and documents obtained during the procedural action shall be attached to the minutes.

(4) The person who performed the procedural action shall acquaint the persons who participated in the relevant action with the contents of the procedural action minutes and the attachments thereof. The corrections and additions made by the persons shall be recorded in the minutes.

(5) The person who performed the procedural action, the minute-taker and all persons who participated in the relevant action shall sign the minutes as a whole and each page thereof separately. If a person refuses to sign, it shall be recorded in the minutes, indicating the cause of and the reasons for the refusal.

[13 March 2008; 12 May 2016]

**Section 9.3 Rights of a Market Participant and of Other Persons**

(1) When commencing the procedural actions referred to in Section 9, Paragraph five, Clauses 3, 4, and 5 of this Law, an official of the Competition Council shall notify a market participant or other person in relation to whom such actions are performed of his or her rights.

(2) The market participant or other person in relation to whom the procedural actions referred to in Section 9, Paragraph five, Clauses 3, 4, and 5 of this Law are performed have the right:

1) to be present during all procedural actions, to express his or her comments and requests;

2) when providing explanations, to use the assistance of advocate or use another type of legal aid. The commencement of provision of explanations shall be postponed temporarily for not longer than one hour if it is necessary to wait for the arrival of a counsel or other provider of legal aid;

3) to propose that the information to be provided or a part thereof be assigned the status of restricted access information;

4) to become acquainted with the procedural action minutes and the documents attached thereto, to submit corrections and additions;

5) to submit a complaint regarding the acts of an official of the Competition Council to the chairperson of the Competition Council.

[13 March 2008; 12 May 2016]

**Section 9.4 Liability for the Failure to Provide Information, Provision of False Information, Failure to Fulfil Lawful Requests Made by the Competition Council and Breaking of a Seal**

(1) The Competition Council is entitled to impose a fine for:

1) the failure to provide information in the case within the required time period and amount upon request of the Competition Council or in the cases specified in laws and regulations;

2) the provision of incomplete information or failure to correct it within the required time period in the scope of the case;

3) the failure to provide information in the framework of a market inquiry within the required time period and amount upon repeated request of the Competition Council;

4) the provision of false or misleading information;

5) the refusal to fulfil the lawful requests made by officials of the Competition Council;

6) breaking a seal that has been affixed in accordance with the procedures laid down in Section 9, Paragraph five, Clause 4, Sub-clause “g” of this Law;

7) the violation of the decision to impose a legal obligation or on an interim measure in the case of investigating a prohibited agreement or the prohibition of the abuse of dominant position;

8) the violation of the legal obligations provided in the administrative agreement entered into in accordance with the procedures laid down in Section 27.3 of this Law in the case of investigating a prohibited agreement or the prohibition of the abuse of dominant position.

(2) The Competition Council is entitled to impose a fine of up to one per cent for the violations referred to in Paragraph one, Clauses 1, 2, 3, 4, 5, and 6 of this Section and of up to three per cent for the violations referred to in Paragraph one, Clause 7 of this Section in respect of non-fulfilment of the decision on legal obligations and the violations referred to in Paragraph one, Clause 8 of this Section of the net turnover for the previous financial year of the market participant or association of market participants each, but not less than EUR 50 each. Persons other than market participants or associations of market participants shall be imposed a fine from 50 to 1400 euros.

(21) If the violation is committed in the case regarding the potential infringement of European Union competition law, the Competition Council is entitled to impose a fine of up to one per cent for the violations referred to in Paragraph one, Clauses 1, 2, 3, 4, 5, and 6 of this Section and of up to three per cent for the violations referred to in Paragraph one, Clauses 7 and 8 of this Section of the net worldwide turnover in the previous financial year of the market participant or association of market participants each, but not less than EUR 50 each. For the persons other than market participants or associations of market participants, a fine from EUR 50 to 1400 shall be imposed.

(3) The Cabinet shall determine the procedures for the determination of the net turnover from which a fine is calculated and the criteria for determining the amount of the fine.

(4) The decision of the Competition Council on imposing a fine referred to in Paragraph two of this Section may be appealed by the addressee in accordance with the procedures laid down in Section 8, Paragraph two of this Law.

[*12 May 2016; 9 June 2022 / The new wording of Paragraph three shall come into force on 1 November2022. See Paragraph 24 of Transitional Provisions*]

**Section 10. Liability of Officials and Employees of the Competition Council**

(1) Officials and employees of the Competition Council, as well as other persons engaged in performance of the tasks specified in this Law are prohibited from disclosing or using information coming to their knowledge in the performance of their service or work duties or entrusted tasks, tasks for purposes other than performance of their work (service) duties or execution of specific work tasks. The prohibition to disclose or use information coming to their knowledge in the performance of their service or work duties or entrusted tasks shall continue to be binding on officials and employees of the Competition Council, as well as other persons engaged in performance of the tasks laid down in this Law also after termination of legal relationship with the Competition Council.

(2) Within two years after drafting or taking decisions or carrying out inquiry, control, investigation, sanctioning or any other activities laid down in this Law, an official of the Competition Council is prohibited from, directly or indirectly, becoming a representative of a private individual in respect of whom the official has performed the abovementioned activities. This restriction shall be binding in addition to the provisions of the Law On Prevention of Conflict of Interest in Activities of Public Officials.

(3) In accordance with the procedures laid down in laws and regulations, the liability of the officials and employees of the Competition Council in respect of violations of the confidentiality clause and other provisions of this Law and any damages caused by their unlawful action shall extend beyond their legal relationship with the Competition Council.

(4) If an official or employee of the Competition Council, also after termination of the legal relationship with the Competition Council, has infringed any of the restrictions specified in this Section and has gained any material benefits from this, it shall be presumed that the abovementioned activities have caused damage that can be measured in economic terms and is proportional to the unlawfully earned income or increase in value of economic benefits. If the respective official or employee of the Competition Council, also after termination of the legal relationship with the Competition Council, fails to indemnify the damages incurred to the State, the Competition Council shall take the necessary actions in order to claim indemnification in accordance with the procedures laid down in law.

(5) The Competition Council shall claim indemnification in accordance with the Administrative Procedure Law, by issuing an administrative act on indemnification of the damages, as well as shall perform the actions specified in laws and regulations for enforcement of the administrative act.

[*12 May 2016*]

**Chapter II.1**

**Permission to Perform Procedural Actions**

[*12 May 2016*]

**Section 10.1 Jurisdiction for Issuing a Permission**

(1) A judge of a district (city) court on the basis of the legal address of the Competition Council shall decide on the warrant to perform the procedural actions referred to in Section 9, Paragraph five, Clauses 4, 5, 6, and 7 of this Law.

**Section 10.2 Submission for the Issuance of a Permission**

(1) In a submission for the permission to perform the actions referred to in Section 9, Paragraph five, Clauses 4 and 5 of this Law, the Competition Council shall specify in respect of which market participants or association of market participants or persons the procedural actions need to be performed, the subject matter and purpose of these actions, and, to the best of its knowledge, what items, information or documents are going to searched for.

(2) In a submission for the permission to perform the acts referred to in Section 9, Paragraph five, Clauses 6 and 7 of this Law, the Competition Council shall specify the legal grounds and the scope of the data to be stored or not to be disclosed.

**Section 10.3 Procedures for Giving a Warrant**

(1) The judge shall, within 72 hours after having received a submission from the Competition Council, examine this submission which substantiates the necessity to perform procedural actions, become acquainted with the case materials of the Competition Council, hear out the representative of the Competition Council and take a decision either to warrant the performance of procedural actions or to refuse it.

(2) A true copy of the judicial warrant shall be sent to the Competition Council within 24 hours from the moment of taking of the decision.

**Section 10.4 Warrant on Procedural Actions**

(1) In its decision to warrant the performance of the actions referred to in Section 9, Paragraph five, Clauses 4 and 5 of this Law, the judge shall specify in respect of which market participants or association of market participants or persons the procedural actions need to be performed, the subject matter and purpose of these actions, and, as far as it is known, what items, information or documents are going to searched for, as well as the time period for performing procedural actions.

(2) In its decision to warrant the performance the procedural actions referred to in Section 9, Paragraph five, Clauses 6 and 7 of this Law, the judge shall specify the market participant or association of market participants or person in respect of which information should be requested, and the scope of this information.

(3) The warrant shall not include information not to be disclosed in accordance with Section 26, Paragraph six of this Law.

**Section 10.5 Warrant on Procedural Actions Issued as a Matter of Urgency**

(1) If under the procedural actions referred to Section 9, Paragraph five, Clause 4 or 5 of this Law justified information has been obtained that items, information or documents which could serve as a proof to infringement of competition law are being stored in non-residential premises, vehicles, flats, structures, and other immovable and movable objects in the ownership, possession or use of other persons, and if the items, information or documents that are being searched for could get destroyed, hidden or damaged due to delay, the Competition Council shall submit to the court an application requesting issuing the permission to perform the procedural actions referred to Section 9, Paragraph five, Clause 4 or 5 of this Law as a matter of urgency.

(2) The judge shall, without delay and within two hours after having received an application from the Competition Council, examine this application which substantiates the necessity to perform procedural actions and its urgency, become acquainted with the case materials of the Competition Council, hear out the representative of the Competition Council and give decision either to warrant the permission to perform procedural actions or to refuse it.

(3) The warrant shall contain the introductory part and the operative part. The warrant shall be issued to the representative of the Competition Council and shall be sent to the Competition Council to its electronic mail address. A motivated warrant shall be drawn up and sent to the Competition Council and the market participant, association of market participants or the person in respect of which the warrant has been issued, within three working days.

(4) The warrant shall not include information not to be disclosed in accordance with Section 26, Paragraph six of this Law.

**Section 10.6 Acquainting Oneself with the Case Materials and Appeal of the Warrant**

(1) The market participant, association of market participants and the person regarding whom the warrant has been given in accordance with Section 10.4 or 10.5 of this Law, has the right to become acquainted with the case materials after performance of procedural actions.

(2) A complaint regarding the judicial warrant may be submitted to the Court President within 10 days from the date of receipt of the warrant. Submission of a complaint shall not suspend the performance of the procedural actions by the Competition Council.

**Section 10.7 Examination of the Complaint**

(1) The Court President shall examine the complaint within 10 days and, if necessary, hear out the submitter of the complaint. Where the complaint has been submitted by a market participant, association of market participants or a person, if necessary, both the submitter of the complaint and the representative of the Competition Council may be heard out.

(2) The decision taken by the Court President shall be final and not subject to appeal.

(3) A complaint may be satisfied or rejected by the Court President. When satisfying a complaint, the appealed warrant may be revoked or amended in full or in part.

(4) Evidence obtained on the basis of the appealed warrant that has been revoked or changed in full or in part shall not be used in the case to the extent to which the warrant has been found unlawful.

**Chapter III**

**Actions which Restrict Competition**

**Section 11. Prohibited Agreements and Agreements which are Considered to be in Effect**

(1) The agreements which have as their object or effect the prevention, restriction, or distortion of competition in the territory of Latvia are prohibited and null and void from the moment of being entered into, including agreements on:

1) the direct or indirect fixing of prices and tariffs in any manner, or provisions for their formation, as well as regarding such exchange of information as relates to prices or conditions of sale;

2) restriction or control of the volume of production or sales, markets, technical development, or investment;

3) the allocation of markets, taking into account territory, customers, suppliers, or other conditions;

4) provisions in accordance with which the conclusion, amendment or termination of a transaction with a third person is made dependent on whether such third person accepts obligations which, according to commercial usage, are not relevant to the particular transaction;

5) the participation or non-participation in competitions or auctions or regarding the provisions for such actions (inactions), except for cases when the competitors have publicly announced their joint tender and the purpose of such a tender is not to prevent, restrict or distort competition;

6) the application of unequal provisions in equivalent transactions with third persons, creating for them disadvantageous conditions in terms of competition;

7) action (inaction), due to which another market participant is forced to leave a relevant market or the entry of a potential market participant into a relevant market is made difficult.

(2) Agreements that promote improvements in the production or sale of products or economic progress and thereby benefit consumers are considered to be in force and are exempt from the prohibition referred to in Paragraph one of this Section and, furthermore, such agreements:

1) do not impose on the market participants concerned restrictions which are not indispensable for the achievement of these objectives;

2) do not afford the possibility of eliminating competition in a substantial part of the relevant market.

(21) The market participant or association of market participants which indicates that the agreement conforms to the requirements of Paragraph two of this Section has an obligation to prove this.

(3) The market participants prior to entering into an agreement, as well as prior to the entry into effect thereof, if a case has not been initiated in respect of it, are entitled to submit to the Competition Council a notification regarding the relevant agreement. The Competition Council is entitled to permit, or permit with conditions for a specified time period the agreement thus notified, if the agreement conforms to Paragraph two of this Section or to the criteria in accordance with which specific agreements between market participants are exempted from the prohibitions referred to in Paragraph one of this Section. The procedures for the submission and examination of the notification on an agreement between market participants shall be specified by the Cabinet.

(4) The Cabinet shall determine the following:

1) certain agreements between market participants, which do not significantly affect competition;

2) the criteria according to which certain agreements between market participants are exempted from the prohibitions referred to in Paragraph one of this Section.

[*22 April 2004; 13 March 2008; 12 May 2016; 9 June 2022*]

**Section 12. Liability for the Violation of Prohibited Agreements**

(1) If the Competition Council establishes that there is a violation of Section 11, Paragraph one of this Law in the activities of market participants or associations thereof, it shall take the decision to establish a violation, to impose a legal obligation and a fine.

(2) The Competition Council is entitled to impose a fine on market participants in the amount of up to five per cent of their net turnover for the previous financial year each, but not less than EUR 350 each.

(3) The Competition Council is entitled to impose a fine on competitors in the amount of up to 10 per cent of their net turnover for the previous financial year each, but not less than EUR 700 each.

(31) If the violation of agreement prohibition is to be regarded as the violation referred to in Article 101, Paragraph one of the Treaty on the Functioning of the European Union, the Competition Council is entitled to impose a fine on market participants of up to

10 per cent of their net worldwide turnover in the previous financial year each, but not less than EUR 700 each.

(4) [12 May 2016]

(5) The Cabinet shall issue regulations regarding the procedures for determining fines which shall provide specifics for the calculation of the financial year net turnover in individual cases, criteria for the specification of the amount of a fine, and also mitigating and aggravating circumstances.

(6) Fines calculated in accordance with the procedures laid down in this Section shall be paid into the State basic budget.

[*22 April 2004; 13 March 2008; 12 September 2013; 12 May 2016; 9 June 2022*]

**Section 12.1 Leniency Programme**

(1) The Competition Council shall give immunity from a fine for the violation of the agreement of leniency programme if the market participant:

1) fulfils the requirements of the leniency programme;

2) informs that it is a participant to the agreement of leniency programme;

3) was the first one to provide evidence and other information related to the agreement of leniency programme supplying facts and circumstances that are sufficient for the fulfilment of the procedural actions referred to in Section 9, Paragraph five, Clause 4 of this Law, provided that sufficient evidence has not yet been at the disposal of the Competition Council for the performance of such activities and they have not yet been performed;

4) is the first who submits evidence and other information related to the agreement of leniency programme which in the view of the Competition Council are sufficient in order to establish the violation of the agreement of leniency programme, provided that there was not sufficient evidence at the disposal of the Competition Council at the time of receipt of the application on the basis of which the violation of the agreement of leniency programme could have been established, and that no other market participant has qualified for immunity from fine in accordance with Clause 3 of this Paragraph;

5) has not performed any actions to force other market participants to join the violation of the agreement of leniency programme or to continue participating in it.

(2) The Competition Council shall reduce a fine for the violation of the agreement of leniency programme if the market participant:

1) fulfils the requirements laid down for the application of a leniency programme;

2) informs that it is a participant to the agreement of leniency programme;

3) submits evidence and other information related to the agreement of leniency programme which substantially supplements the evidence and information at the disposal of the Competition Council;

4) submits evidence on another agreement of leniency programme and the Competition Council gives immunity from a fine for this agreement of leniency programme.

(3) If the applicant submits compelling evidence which the Competition Council may use to prove additional facts which lead to an increase in fines as compared to the fines that would otherwise have been imposed for the violation of the agreement of leniency programme without such evidence, the Competition Council shall not take into account such additional evidence submitted thereby when setting any fine to be imposed on the applicant.

(4) The Competition Council shall either approve the application requesting immunity from the fine or reduction of the fine under the leniency programme or reject it with the same decision which establishes the violation referred to in Section 11, Paragraph one of this Law or in Article 101(1) of the Treaty on the Functioning of the European Union, and imposes legal obligation and a fine.

(5) The information in the leniency application shall be a restricted access information that may be disclosed only to the participants of proceedings in the case initiated by the Competition Council, in order to protect their rights and legal interests.

(6) The Competition Council has the right to exchange with leniency statements with other competition authorities by having regard to Article 12 of Council Regulation No 1/2003. It shall be done either with the consent of the applicant to leniency programme, or if the competition authority which has received leniency statements has also received a leniency application for the same violation from the same applicant to leniency programme as a competition authority which forwards the statements provided in conformity with the leniency programme, provided that the applicant to leniency programme may not revoke the information which it has submitted to the competition authority which receives leniency statements at the time of forwarding.

(7) The Cabinet shall determine the procedures by which the Competition Council shall give immunity from a fine and reduce the fine under the leniency programme, and also the requirements for the participants of the agreement of leniency programme.

(8) The decision of the Competition Council shall not include information regarding the identity of those market participants who have collaborated with the Competition Council under the leniency programme.

[*12 May 2016; 5 October 2017; 9 June 2022*]

**Section 13. Prohibition of the Abuse of Dominant Position**

(1) Any market participant who is in a dominant position is prohibited from abusing such dominant position in any manner in the territory of Latvia. Abuse of dominant position may also occur as:

1) refusal to enter into transactions with other market participants or to amend the provisions of a transaction without an objectively justifiable reason, including unfair and unjustified

refusal to provide products or deliver services;

2) limiting the volume of the production or sale of products, the market or technical development without an objectively justifiable reason to the detriment of consumers;

3) imposition of provisions according to which entering into, amendment or termination of a transaction with another market participant is made dependent on whether this market participant undertakes additional obligations which, by their nature and commercial use, do not pertain to the particular transaction;

4) direct or indirect imposition or application of unfair purchase or selling prices or other unfair trading provisions;

5) application of unequal provisions in equivalent contracts with other market participants, by way of creating for them, in terms of competition, disadvantageous conditions.

(2) [21 May 2015]

(3) [21 May 2015]

[13 March 2008; 18 June 2009; 21 May 2015]

**Section 14. Liability for the Abuse of Dominant Position**

(1) If the Competition Council determines that there is a violation of Section 13 of this Law in the activities of market participants, the Council shall take the decision to establish a violation, and to impose a legal obligation and a fine.

(2) The Competition Council is entitled to impose a fine in the amount of up to 5 per cent of the net turnover for the previous financial year each, but not less than 350 euros each, on a market participant for the violation referred to in Section 13, Paragraph one of this Law.

(21) If the violation of abuse of a dominant position is regarded to be the violation referred to in Article 102 of the Treaty on the Functioning of the European Union, the Competition Council is entitled to impose a fine on market participants of up to 10 per cent of their net worldwide turnover in the previous financial year each, but not less than EUR 700 each.

(3) [12 May 2016]

(4) The Cabinet shall issue regulations regarding the procedures for determining the amount of fines, which provide specifics for the calculation of the financial year net turnover and procedure for the calculation of the amount of fine, taking into account the gravity and the duration of the violation, mitigating and aggravating circumstances, as well as specifying the cases where there is the right to a reduction of the fine.

(5) Fines calculated in accordance with the procedures laid down in this Section shall be paid into the State basic budget.

[*13 March 2008; 12 September 2013; 21 May 2015; 12 May 2016; 9 June 2022*]

**Section 14.1 Obligation to Ensure Free and Fair Competition**

(1) An institution of direct and indirect administration, and also a capital company in which a public entity has decisive influence is prohibited from preventing, restricting or distorting competition with its actions, which may also occur as:

1) as the discrimination of market participants by creating different conditions for competition;

2) conferring of advantages for the capital company in which a public entity has direct or indirect participation;

3) actions due to which another market participant is forced to leave a relevant market or the entry or operation of a potential market participant into a market is made difficult.

(2) To ensure compliance with Paragraph one of this Section, the Competition Council shall negotiate with an institution of direct and indirect administration, and also a capital company in which a public entity has decisive influence.

(3) The Competition Council shall investigate and examine a case regarding the possible nonconformity of the actions with the requirements of Paragraph one of this Section in accordance with the procedures for the investigation and examination of violations provided for in this Law.

(4) This Section shall be applied insofar as the specific activity does not necessarily result from the requirements laid down in other laws or Section 13 of this Law is not applicable.

[*28 March 2019* / *Section shall come into force on 1 January 2020. See Paragraph 16 of Transitional Provisions*]

**Section 14.2 Liability for the Violation of the Rules for Free and Fair Competition**

(1) If the Competition Council establishes nonconformity of the actions of a capital company in which a public entity has decisive influence with the requirements of Section 14.1, Paragraph one of this Law, and the negotiations regarding the ensuring of the fulfilment of these requirements fail, it shall take the decision to establish a violation, and to impose a legal obligation and a fine.

(2) When taking the decision referred to in Paragraph one of this Section, the Competition Council cannot impose such legal obligation which makes it impossible to fulfil the State administration tasks, and also the autonomous functions of a local government and State administration tasks delegated thereto.

(3) The Competition Council is entitled to impose a fine in the amount of up to 3 per cent of the net turnover for the previous financial year, but not less than 250 euros, on capital companies in which a public entity has decisive influence for the violation referred to in Section 14.1, Paragraph one of this Law.

(4) The Cabinet shall issue regulations regarding the procedures for determining fines which shall provide specifics for the calculation of the financial year net turnover in individual cases, criteria for the specification of the amount of a fine, and also the circumstances mitigating and aggravating the liability.

(5) Fines calculated in accordance with the procedures laid down in this Section shall be paid into the State basic budget.

[*28 March 2019* / *Section shall come into force on 1 January 2020. See Paragraph 16 of Transitional Provisions*]

**Section 14.3 Liability of the Associations of Market Participants for Infringements of the Competition Law of the European Union**

(1) If the violation of the association of market participants for the violations referred to in Article 101(1) and Article 102 of the Treaty on the Functioning of the European Union is related to actions of the participants thereof, the Competition Council is entitled to impose a fine on the association of market participants of up to 10 per cent of the amount which is made of the total worldwide turnover for each participant thereof which is active on the market affected by the violation of the association of market participants, but not less than EUR 700.

(2) If the Competition Council imposes a fine on the association of market participants, taking into account the turnover of its participants, however the association of market participants has not paid it, the participants to this association have the obligation to voluntarily cover the amount necessary for the payment of the fine.

(3) In order to ensure payment of a fine in full amount if the association of market participants has not paid the fine imposed in accordance with Paragraph one of this Section, the decision of the Competition Council to impose the fine on the non-paid part of the fine shall be enforced consecutively against any participant to the association of market participants:

1) the representatives of which were members of the decision-making body of the association of market participants, without exceeding 10 per cent of their total worldwide turnover for the previous financial year;

2) which is operating in the market where the violation of the association of market participants was established, without exceeding 10 per cent of their total worldwide turnover in the previous financial year.

(4) The decision of the Competition Council to impose the fine in accordance with Paragraph three of this Section shall not be enforced against the participant to the association of market participants which shows that it did not implement the agreement and either was not aware of its existence or has actively distanced itself from it before the investigation started.

(5) The Cabinet shall issue regulations regarding the procedures for determining the amount of fine which provide specifics for the calculation of the financial year net turnover and the procedures for the calculation of the amount of fine, taking into account the gravity and the duration of the violation, the mitigating and aggravating circumstances, and also specifying the cases where there is the right to a reduction of the fine.

[*9 June 2022* / *Paragraph five shall come into force on 1 November 2022. See Paragraph 24 of Transitional Provisions*]

**Chapter IV**

**Market Participant Merger Control**

**Section 15. Market Participant Merger Provisions**

(1) A merger of market participants is:

1) the merging of two or more independent market participants in order to become one market participant (consolidation);

2) the joining of one market participant to another market participant (acquisition);

3) such a situation where one or more natural persons who already have a decisive influence over another market participant or other market participants, or one or more market participants acquire part or all of the fixed assets of another market participant or other market participants or the right to use such, or a direct or indirect decisive influence over another market participant or other market participants. An acquisition of assets or of the right to use such assets is considered to be a merger if the acquisition of the assets or of the right to use such assets increases the market share of the acquirer of the aforementioned assets and rights in any relevant market;

4) such a situation where two or several natural persons jointly or a single natural person simultaneously acquire a part or all of the assets of two or several market participants or obtain the right to use such assets, or a direct or indirect decisive influence over two or several market participants.

(2) The market participants who have decided to merge in any of the manners referred to in Paragraph one of this Section, prior to merger shall submit a notification to the Competition Council on the merger if the aggregate turnover in Latvia of the participants in the merger in the last financial year has been not less than 30 million euros, and the turnover in Latvia of at least two participants in the merger in the last financial year has been not less than 1.5 million euros for each.

(21) The Competition Council has the right, within 12 months following the implementation of the merger, to request that the participants in the merger submit a notification on a merger that does not conform to the notification provisions referred to Paragraph two of this Section if both of the following conditions exist:

1) the merger is taking place in the relevant market where the participants in the merger operate, and their aggregate market share in the particular market exceeds 40 per cent;

2) there is a cause for suspicion that the merger might result in or strengthen a dominant position, or the competition in the relevant market might be significantly reduced.

(22) The market participants referred to in Paragraph two of this Section are entitled to submit to the Competition Council a short-form merger notification instead of the full one if one of the following conditions exists:

1) none of the participants in the merger operates in a single relevant market or in a market that is vertically related thereto;

2) participants in the merger operate in a single relevant market, and their aggregate market share does not exceed 20 per cent;

3) participants in the merger operate in vertically related markets, and the market share of each individual participant in the relevant market does not exceed 30 per cent;

4) participants in the merger get a joint decisive influence within the meaning of Paragraph one, Clause 3 of this Section over another market participant who does not generate and does not intend to generate turnover from selling goods or providing services in the territory of Latvia;

5) a participant in the merger gets a decisive influence over another market participant in a market where the participant in the merger already has a joint decisive influence within the meaning of Paragraph one, Clause 3 of this Section.

(23) If the Competition Council decides that such merger of market participants of which a short-form merger notification has been submitted requires additional investigation, it may require the market participants to submit a full-form merger notification.

(24) If the merger does not conform to the conditions for submitting a notification referred to Paragraph two of this Section, the market participants are entitled to:

1) request a written confirmation that the Competition Council will not exercise the rights laid down in Paragraph 2.1 of this Section to request that the participants in the merger submit a merger notification;

2) upon their own initiative, submit to the Competition Council a full-form or short-form merger notification.

(25) The Competition Council may exempt the market participant from the obligation to submit a part of the information in the full-form or short-form merger notification or documents appended thereto, if such information or documents are not necessary for examination of the notification.

(3) A merger of market participants, regarding which a notification had to be given, but was not given, is illegal.

(4) Notifications need not be submitted to the Competition Council in the following cases:

1) credit institutions or insurance companies the activities of which include transactions with securities for own or other funds, have time-limited ownership rights to market participant securities, which they have acquired for further sale, if such credit institutions or insurance companies do not utilise voting rights created by the referred to securities in order to influence the competitive activities of the relevant market participant, or utilise the voting rights created by the referred to securities in order to prepare the investment of fixed assets or relevant securities only of the market participant, or a part thereof, and such investments occur within one year after the creation of voting rights. The Competition Council may extend the referred to time period on the basis of a submission from the relevant credit institution or insurance company, if it proves that the relevant investment within one year was not possible;

2) a liquidator or administrator acquires a decisive influence in the case of the insolvency or liquidation of a market participant.

(5) The Cabinet shall issue regulations regarding the procedures according to which full-form and short-form merger notifications are to be submitted and examined. Such regulations may include additional conditions regarding the calculation of the turnover, including special requirements in respect of credit institutions and insurance companies.

(6) Market participants shall pay a State fee for the evaluation of a merger. The Cabinet shall determine the procedures for paying the State fee for the evaluation of a merger, the amount of the State fee, as well as the cases when the State fee shall not be reimbursed.

[*22 April 2004; 13 March 2008; 14 November 2008; 18 June 2009; 12 September 2013; 12 May 2016*]

**Section 16. Procedures for the Examination of Notifications on Mergers of Market Participants**

(1) The Competition Council shall, within one month from the receipt of a full-form merger notification or a short-form merger notification in accordance with procedures specified by the Cabinet, examine the notification and take one of the decisions referred to in Paragraph three or four of this Section, or the decision to commence additional investigation. The day of receipt of a notification shall be the day when a full-form merger notification or a short-form merger notification which conforms to the requirements of the Cabinet regulation referred to in Section 15, Paragraph five of this Law is received by the council. If the full-form merger notification or short-form merger notification fails to conform to these requirements, the council shall notify the submitter of the notification thereof in writing.

(11) If, within 45 days from the date of submission of a full-form or short-form merger notification, a market participant does not receive from the Competition Council the decision referred to in Paragraph three or four of this Section or the decision to commence additional investigation, the relevant merger shall be deemed to be permitted.

(2) If the Competition Council has taken the decision to commence additional investigation, the Competition Council, within four months from the date of receipt of the full-form merger notification or within three months from the date of receipt of the short-form merger notification, shall take one of the decisions referred to in Paragraph three or four of this Section. The Competition Council is entitled to, upon a request of the participants in the merger or upon own initiative, extend by 15 working days the term for taking the decision referred to in Paragraph three of this Section with a purpose to evaluate the binding provisions.

(3) The Competition Council by its decision shall prohibit mergers as a result of which a dominant position is created or strengthened, or which may significantly reduce competition in any relevant market. The Competition Council is entitled to permit such mergers by imposing commitments on the relevant market participants which prevent the negative consequences of the merger in relation to competition.

(4) If the merger of market participants of which a notification has been given does not cause the consequences referred to in Paragraph three of this Section, the Competition Council shall take the decision to permit the merger.

(5) If the Competition Council after the commencement of additional investigation, within four months from the date of receipt of the full-form merger notification, or within three months from the date of receipt of the short-form merger notification has not taken one of the decisions referred to in Paragraph three or four of this Section, the relevant merger of market participants shall be deemed to be permitted.

(6) The Competition Council is entitled to take the decisions referred to in Paragraph three of this Section also in respect of such mergers of market participants on which notification should have been given in accordance with Section 15, Paragraph two or 2.1 of this Law, but such notification was not given.

[*22 April 2004; 13 March 2008; 12 May 2016; 9 June 2022*]

**Section 17. Liability for Illegal Mergers of Market Participants**

(1) If a notification was not given in the cases specified in this Law or an unlawful merger of market participants has occurred, which is contrary to a decision of the Competition Council taken in accordance with the procedures laid down in Section 16, Paragraph three of this Law, the Competition Council is entitled to take the decision to impose a fine on the new market participant or on the acquirer of a decisive influence of up to three per cent of its net turnover in the last financial year.

(2) The payment of a fine does not release the market participants concerned from the obligation to fulfil the provisions of this Law and the decisions of the Competition Council. The forced execution of the binding provisions imposed by the decision of the Competition Council shall be performed in accordance with the procedures for forced execution of legal obligations laid down in Section 8.1 of this Law.

(3) Fines calculated in accordance with the procedures laid down in this Section shall be paid into the State basic budget.

[12 May 2016]

**Chapter V**

**Unfair Competition**

**Section 18. Prohibition of Unfair Competition**

(1) Unfair competition is prohibited.

(2) Actions, as the result of which laws and regulations or fair commercial practices are violated and competition is or might be prevented, restricted or distorted, shall be deemed to be unfair competition.

(3) Unfair competition may also occur in the form of the following activities if as a result of such activities competition is or might be prevented, restricted or distorted:

1) the use or imitation of a legally used name, distinguishing marks or other features of another market participant (whether existing, having ceased its activities or reorganised) if such use may be misleading as regards the identity of the market participant;

2) the imitation of the name, external appearance, labelling, or packaging of products produced or sold by another market participant, or the use of trademarks, if such imitation or use may be misleading as regards the origin of the products;

3) the dissemination of false, incomplete or distorted information regarding other market participants or their employees, as well as, in respect of the products produced or sold by such a market participant, the economic significance, quality, form of production, characteristics, quantity, usefulness, prices, their formation and other provisions, which may cause losses to this market participant;

4) the acquisition, use or distribution of information, which includes the commercial secrets of another market participant, without the consent of such participant;

5) the coercion of employees of another market participant with threats or bribery in order to create advantages for one’s own economic activity, thereby causing losses to this market participant.

**Section 18.1 Competence of the Court when Examining Cases of Violating the Prohibition of Unfair Competition**

The violations laid down in Section 18 of this Law shall be examined by a court.

[14 November 2008]

**Section 19. Liability for Unfair Competition**

[14 November 2008]

**Chapter VI**

**Application of Competition Law in Civil Actions**

**Section 20. Competence of the Courts**

(1) Concurrently with the Competition Council, a court may also establish a violation of this Law. Cases regarding a violation of this Law or infringement of European Union competition law and compensation for losses shall be examined by the Court of Economic Affairs.

(2) The court in its judgement on the violation of this Law and infringement of European Union competition law may impose one or several of the following obligations:

1) to terminate and prohibit actions which violate this Law and infringe European Union competition law;

2) to take actions that prevent the violation of this Law and infringement of European Union competition law;

3) to adequately compensate for the violation.

[*12 May 2016; 5 October 2017; 9 June 2022*]

**Section 20.1 Examination of the Cases Regarding Violations of this Law and Infringement of European Union Competition Law**

(1) The court which has accepted an application and initiated the case regarding a violation of this Law and infringement of European Union competition law, shall, within seven days from the date of initiation of the case, send a true copy (copy) of the application and the decision to initiate the case to the Competition Council.

(2) The Competition Council may, upon its own initiative or upon initiative of the court, provide an opinion in the case concerning the aspects for the application of the European Union competition law. The Competition Council has the right to become acquainted with the case materials prior to providing its opinion.

(3) A court shall, within seven days after drawing up of a full judgement in a case regarding an infringement of European Union competition law, send a true copy (copy) of the judgement to the Competition Council and the European Commission, whereas in a case regarding a violation of this Law – to the Competition Council.

[12 May 2016]

**Section 21. Compensation for Losses**

(1) A person who has suffered losses due to an infringement of competition law is entitled to request and receive compensation for losses from the infringer, including the loss of profit and interest, from the day such losses have been incurred until the day the compensation for losses has been paid in order to ensure such condition as the person would have had if the infringement of competition law would not have been committed. If it is practically impossible to determine the amount of losses caused as the result of an infringement of competition law or it is excessively difficult to determine it precisely, the court shall determine the amount of losses on the basis of the evidence available in the case.

(2) When bringing actions for damages, an infringement of competition law within the meaning of this Chapter shall be a violation of the Competition Law or Article 101 or 102 of the Treaty on the Functioning of the European Union or a violation of competition law of the respective Member State. Competition law of a Member State shall be law with the same main objective as defined in Articles 101 and 102 of the Treaty on the Functioning of the European Union and that is applied in one and the same case alongside with the European Union competition law in accordance with Article 3(1) 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 (Text with EEA relevance), excluding law by which criminal sentences are imposed on natural persons, except for cases when such criminal sentences serve as means by which competition rules applying to a market participant are exercised.

(3) If the violation is a cartel agreement, it is presumed that the violation has caused harm, as a result of which the price has been raised by 10 per cent, unless proved otherwise.

(4) Infringers shall be jointly and severally liable for losses which have been incurred due to a jointly committed infringement of competition law, except for the cases referred to in Paragraphs five and seven of this Section.

(5) A small or medium-sized enterprise shall be liable for the caused losses only in respect of its direct and indirect purchasers or suppliers, if it complies with the following conditions:

1) its market share in the respective market throughout the entire period of the infringement of competition law has been less than five per cent;

2) the application of joint and several liability referred to in Paragraph four of this Section would irretrievably jeopardise its economic viability and would cause complete loss of the value of the assets of such enterprise.

(6) The exception referred to in Paragraph five of this Section shall not apply to an infringer who has previously committed an infringement of competition law or who has organised or has led an infringement of competition law, or who has forced other market participants to commit an infringement of competition law.

(7) An infringer who within the scope of the leniency programme has received immunity from fines shall be jointly and severally liable for the caused losses:

1) only in respect of its direct or indirect purchasers or suppliers;

2) in respect of other persons who are not its direct or indirect purchasers or suppliers only if it is impossible to claim full compensation for losses from the other market participants who participated in committing an infringement of competition law.

(8) An infringer who within the scope of the joint and several liability has compensated losses caused to the person who suffered losses is entitled to claim an adequate compensation from any other infringer. The referred to compensation shall be determined by taking into account the degree of liability of the relevant infringer concerning the losses caused as the result of the infringement of competition law.

(9) The amount of the respective compensation which the infringer, who has received immunity from fines within the scope of the leniency programme, provides to other infringers must not exceed the amount of losses caused to its direct or indirect purchasers or suppliers. If the amount of the respective compensation, which is provided by the referred to infringer to other infringers, applies to compensation for losses to other persons who are not the direct or indirect purchasers or suppliers of the infringer, the amount of the respective compensation to be provided shall be determined by taking into account the degree of liability of the referred to infringer concerning the losses caused as the result of the infringement of competition law.

[*13 March 2008; 12 May 2016; 5 October 2017*]

**Section 21.1Passing-on of Overcharges**

(1) The rights referred to in Section 21, Paragraph one of this Law shall apply also to the rights to receive compensation for lost profit in relation to full or partial passing-on of overcharges. The court is entitled to determine the share of the passed-on overcharges in the form of an estimate. The rights to compensation for losses as the result of passing-on of overcharges shall be applicable also to supplies made to the infringer.

(2) If the defendant, in defending an action, indicates that the claimant has passed-on the entire or part of the overcharges incurred as the result of the infringement of competition law to other persons, it shall have the obligation to prove it.

(3) Where the existence of an action for damages or the amount of damages to be awarded depends on whether or to what degree an overcharge is passed on to the claimant, the claimant down the level of the supply chain shall prove the occurrence and amount of such passing-on of the overcharges. The claimant has the right to request the court to order disclosure of evidence from the defendant or from a third party according to the procedures specified in the Civil Procedure Law.

(4) It shall be considered that the indirect purchaser has proven the passing-on of the overcharges on to him or her, if the indirect purchaser proves that:

1) the defendant has committed an infringement of competition law;

2) the infringement of competition law has resulted in an overcharge to the direct purchaser of the defendant, and

3) the indirect purchaser has purchased goods subject to the infringement of competition law or goods which have derived therefrom or which contain such goods.

(5) Paragraph four of this Section shall not apply to cases where the defendant may prove that the overcharge was not passed on to the indirect purchaser or was not fully passed on.

[*5 October 2017*]

**Section 21.2 Actions for Damages by Claimants from Different Levels in the Supply Chain**

In order to avoid that actions for damages by claimants from different levels in the supply chain lead to a multiple liability or to an absence of liability of the infringer, the courts where actions for damages are brought in assessing whether the burden of proof resulting from the application of Section 21.1, Paragraphs two, three, four, and five of this Law is satisfied, shall take into account:

1) actions for damages that are related to the same infringement of competition law, but that are brought by claimants from other levels in the supply chain;

2) rulings resulting from actions for damages as referred to in Clause 1 of this Section;

3) relevant information in the public domain regarding the infringement of competition law.

[*5 October 2017*]

**Section 21.3 Dispute Resolution with Settlement and Impact of Settlement on Subsequent Actions for Damages**

(1) As long as a dispute deriving from an infringement of competition law is resolved through agreement to reach a settlement, the limitation period for bringing an action for damages shall be suspended. Suspension of the limitation period shall apply only to the parties currently or previously involved or represented in the dispute resolution in order to reach a settlement.

(2) If a dispute deriving from an infringement of competition law is resolved with a settlement, the scope of action for damages shall be reduced by the share of the infringer who has reached the settlement.

(3) The person who has suffered harm caused by an infringement of competition law and has reached the settlement may direct the remaining part of the claim for damages only against the infringers who have not reached the settlement. The infringers who have not reached the settlement are not entitled to claim contribution for the remaining share from the infringer who has reached the settlement.

(4) Unless the contrary has been explicitly stated in the settlement, the person who has suffered harm caused by an infringement of competition law and has reached the settlement may direct the remaining part of the action for damages against the infringer who has reached the settlement, if recovery of losses from the infringers who have not reached the settlement is not possible.

(5) Any losses which have been compensated in compliance with the previous settlement reached by the respective infringer shall be taken into account when determining the sum of contribution which may be retrieved by one of the infringers from any other infringer in accordance with the degree of liability thereof concerning the losses incurred as the result of the infringement of competition law.

[*5 October 2017*]

**Section 21.4Start of Limitation Period and Suspension of Limitation Period**

(1) The limitation period for an action for damages shall be counted from the day on which the infringement of competition law has ceased to exist and the claimant is aware or there was basis to consider that he or she was aware:

1) of the conduct of the infringer and that the violation is the infringement of competition law;

2) that losses have been caused thereto as a result of the infringement of competition law;

3) of the identity of the infringer.

(2) The limitation period shall be suspended for a period until the competition authority assesses the infringement of competition law subject to action for damages. The suspension of limitation period shall end one year after the decision on the violation has become effective and has become non-appealable or the referred to actions have been ceased otherwise.

[*5 October 2017*]

**Section 21.5 Disclosure of Evidence in Cases on Compensation for Losses Regarding Infringements of Competition Law**

(1) A competition authority shall submit to a court, which hears an action for damages regarding infringements of competition law, the specified evidence only after the competition authority has completed the investigation of a case:

1) information which has been prepared by a person especially for the needs of a competition authority;

2) information which a competition authority has prepared and sent to the parties;

3) withdrawn settlement applications.

(2) If in the cases on compensation for losses regarding infringements of competition law the court orders disclosure of evidence from the case records of the Competition Council, the Competition Council at its own or court’s initiative is entitled to provide an opinion on the proportionality of a claim and impact on the effective application of competition law.

[*5 October 2017*]

**Chapter VII**

**Procedures for the Investigation of a Case**

[*22 April 2004*]

**Section 22. Initiation of a Case**

(1) The Competition Council shall initiate a case regarding the violation of this Law upon its own initiative, considering the priorities, the impact of the potential violation on competition and important public interests.

(2) The market participants and entities are entitled to provide information to the Competition Council regarding the facts on the basis of which the violation of this Law may be established.

[*12 May 2016*]

**Section 23. Initiation of a Case Based on a Submission**

[12 May 2016]

**Section 24. Initiation of a Case Based on an Initiative of the Competition Council**

[12 May 2016]

**Section 25. Initiation of a Case Based on a Report from Another Institution**

[12 May 2016]

**Section 26. Investigation of a Case**

(1) After the initiation of a case, the Competition Council shall obtain the information that is necessary to take a decision. The information that refers to the relevant case and is obtained during market inquiry shall be attached to such case and may be of importance to the case as evidence.

(2) A person shall provide the requested information not later than within seven days from receipt of the request. The person shall, without delay, provide such information that has been requested while carrying out the market inquiry activities and taking procedural actions for violations of laws laid down in Section 9, Paragraph five, Clauses 3, 4, and 5 of this Law, and in the preparation of which a special compilation or analytical work is not necessary.

(3) If information is requested, in the preparation of which special compilation or analysis activities are necessary, and the submitter of the information due to objective reasons cannot prepare the requested information within the specified time period, he or she shall notify the Competition Council thereof in writing, indicating such reasons and the date when the information shall be submitted. The competition Council, taking into account the referred to notification, may specify another time period for the submission of information.

(4) If the information is requested from a possible infringer of the Competition Law, the Competition Council shall inform the submitter thereof of the Section of the Competition Law, which has been possibly violated.

(5) The Competition Council may merge in one record several cases regarding one and the same violation of law in the operations of one and the same possible infringer if the merging of the cases facilitates quicker and more objective examination thereof.

(6) While the information necessary for taking the decision is being obtained, the Competition Council does not have the obligation to make materials of the case accessible if this may have a negative effect on the performance of the tasks specified in the Law at an adequate level. The Competition Council shall inform the participants in the process in writing that information necessary for taking the decision has been obtained.

(61) While the information necessary for taking the decision is obtained, the Competition Council may restrict the right of the natural person as a data subject to access the information whether the personal data of the specific person is being processed. In such case, the Competition Council shall, without undue delay, but not later than within a month, inform the data subject in writing of the refusal to provide access or restricting the access to personal data and of the reasons for the refusal or restriction. In such case, the person has the right to submit a complaint to the State Data Inspectorate or bring an action before a court.

(7) The participants in the process may become acquainted with the case, express their own point of view and submit additional information within 20 days after receipt of the notification specified in Paragraph six of this Section. The Competition Council need not take into account information, which has been received after the end of such time period. Upon a request of the addressee, the Competition Council shall hear out its oral explanations prior to taking a decision that may not be in its favour.

(8) The information in the case shall be regarded as internal use information until the decision is taken, and it may be examined only by the persons to whom the officials of the Competition Council present the relevant materials.

(9) A natural person has the right to submit a request regarding the processing of its personal data and to receive a reply indicating whether any actions and what type of actions will be taken in relation to the request of the data subject without undue delay, but not later than within a month after the request has been received by the Competition Council. The Competition Council can refuse to satisfy the claim included in the request, if in the result of its satisfaction the work of the Competition Council would be delayed or rights of other persons would be violated.

(10) A natural person has the right to request the Competition Council to supplement or correct the data of this person indicated inaccurately or incompletely. The Competition Council shall not inform the data subject in writing of the refusal to correct or supplement the personal data or of the reasons for the refusal. The request shall be included in the case materials and may be considered when taking the decision.

(11) The personal data of a natural person together with case materials shall be stored in accordance with the laws and regulations governing the archiving requirements. The personal data of a natural person stored in electronic storage mediums shall be deleted without undue delay, but not later than within a month after the day when the final decision of the Competition Council in the case has become uncontestable.

[*13 March 2008; 12 May 2016; 28 March 2019*]

**Section 26.1 Assignment of the Status of Restricted Access Information to Information to be Submitted**

(1) In order for the information or a part thereof to be submitted to be assigned the status of restricted access information, the submitter of information shall clearly indicate the relevant documents and a justification for the assignment of such status.

(2) If the submitter of information has not fulfilled the requirements specified in Paragraph one of this Section or the proposal to assign the status of restricted access information to the specific information is unjustified, the Competition Council shall notify the submitter of information thereof.

(3) If the deficiencies referred to in Paragraph two of this Section are not eliminated within seven days from the date of receipt of a notification from the Competition Council, the submitted information may, in accordance with the procedures laid down in the Freedom of Information Law, be protected only as information for internal use. The Competition Council shall notify the submitter of information thereof.

(4) The Competition Council may request that the person the information submitted by whom needs to be assigned the status of restricted access information append to the abovementioned information a copy of generally accessible information which does not contain restricted access information, including by anonymising the personal data.

[*13 March 2008; 12 May 2016; 28 March 2019*]

**Section 27. Time Period for the Taking of a Decision**

(1) The Competition Council shall take a decision within six months from the day of the initiation of a case.

(2) If due to objective reasons the six month time period cannot be met, the Competition Council may extend it for a period of up to one year counting the time period from the day of the initiation of a case.

(3) If prolonged fact-establishing is required in the case, the Competition Council with a justified decision may extend the time period for taking a decision to a period not exceeding two years from the day of the initiation of a case.

**Section 27.1 Validity of Competition Council Decisions**

Competition Council decisions shall enter into effect at the moment of its notification. An appeal against a decision shall not suspend the enforcement of the decision, except in the part thereof regarding the imposition of a fine.

[*13 March 2008*]

**Section 27.2 Termination of Investigating a Case with a Written Commitment**

(1) If a market participant commits itself in writing to fulfil certain legal obligations for the prevention, restriction or distortion of competition, the Competition Council, having evaluated the actual and legal circumstances of the case and due to rationality considerations, may take a decision to terminate the investigation in the case and to impose legal obligations.

(2) If the market participant fails to fulfil the legal obligations to which it has committed itself in writing, forced execution shall be performed in accordance with the procedures laid down in Section 8.1 of this Law.

(3) The Competition Council may resume a case terminated in accordance with Paragraph one of this Section.

(4) When resuming the investigation of a case, the time period for the taking of a decision commences on the date of the resumption of investigation of the case.

[*13 March 2008; 12 May 2016*]

**Section 27.3 Entering into an Administrative Contract**

(1) [9 June 2022]

(2) Submission regarding the compliance of the administrative contract with legal norms, the validity thereof, the entry into or the correctness of the fulfilment shall be examined in accordance with the procedures laid down in Section 8, Paragraph two of this Law.

(3) Appealing of an administrative contract with which legal proceedings have been terminated shall not suspend its enforcement.

(4) If the market participant fails to fulfil the legal obligations to which it has committed itself according to the administrative contract, forced execution thereof shall be performed in accordance with the procedures laid down in Section 8.1 of this Law.

[*12 May 2016; 9 June 2022*]

**Chapter VIII**

**Application of European Union Competition Law**

[*22 April 2004*]

**Section 28. Legislation to be applied in a Case regarding the Possible Infringement of European Union Competition Law**

(1) The Competition Council shall investigate and examine a case regarding the possible infringement of European Union competition law in accordance with the procedures for the investigation and examination of possible violations of this Law provided for in this Law and other laws and regulations.

(2) For the infringement of European Union competition law, the Competition Council shall impose a penalty in accordance with Sections 12 and 14 of this Law and Cabinet regulations regarding the procedures for the imposition of fines, which are issued in accordance with Section 12, Paragraph five and Section 14, Paragraph four of this Law.

(3) When applying European Union competition law, the term “market participant” shall mean the same as the term “undertaking” used in the decisions of the European Commission, judgments of the Court of Justice of the European Union, and legal acts of the European Union.

(4) In the examination of a case regarding an infringement of European Union competition law, this Law can also be applied.

[*13 March 2008; 12 May 2016; 9 June 2022*]

**Section 28.1 Notification to the European Commission of the Commencement or Termination of the Investigation of Cases Regarding the Potential Infringement of European Union Competition Law**

(1) The Competition Council shall inform the European Commission of commencing the investigation of cases regarding the infringements referred to in Articles 101 and 102 of the Treaty on the Functioning of the European Union in accordance with the procedures laid down in Article 11(3) of the Council Regulation No 1/2003.

(2) If the Competition Council terminates investigation of the cases regarding the potential infringement of European Union competition law after the European Commission has been informed in accordance with that laid down in Paragraph one of this Section, the Competition Council shall inform the European Commission thereof.

[*9 June 2022*]

**Section 29. Reduction of a Fine for Individual Infringements of European Union Competition Law**

(1) The Competition Council shall give immunity from a fine for a market participant or reduce the imposed fine if the market participant, upon own initiative, reports a cartel agreement to the Competition Council, which violates Article 101(1) of the Treaty on the Functioning of the European Union.

(2) The fine referred to in Paragraph one of this Section shall be reduced or an immunity from a fine shall be given for a market participant in accordance with Section 12.1 of this Law.

[*12 May 2016*]

**Section 30. Interim measures**

(1) The Competition Council may, on the basis of prima facie finding of the violation referred to in Articles 101 and 102 of the Treaty on the Functioning of the European Union, act on its own initiative and determine by a decision the interim measures in respect of market participants and associations of market participants, at least in cases where there is urgency due to the risk of serious and irreparable harm to competition.

(2) The means of interim measures is a decision, which imposes an obligation on market participants within a specified time period to perform specific activities or prohibits specific activities.

(3) The decision on an interim measure may be appealed by the participant of the proceedings, in respect of which the interim measure has been issued, to the District Administrative Court within 10 days after the date of entering into effect thereof.

(4) A decision on interim measures shall be in effect until the moment when the final decision of the Competition Council in the case becomes uncontestable.

(5) Forced execution of the binding provisions imposed by the interim measure shall be performed in accordance with the procedures for forced execution of legal obligations laid down in Section 8.1 of this Law.

(6) The Competition Council shall inform the European Competition Network in relation to determination of interim measures for the violations referred to in Articles 101 and 102 of the Treaty on the Functioning of the European Union.

[*12 May 2016; 9 June 2022*]

**Section 31. Appeal of a Decision on Interim Measures**

(1) A court shall examine an application for the decision on interim measures and take a decision within 14 days.

(2) An appeal of a decision on interim measures shall not suspend the effect of the decision on interim measures and its enforcement.

(3) A court decision on an application for a decision on interim measures cannot be appealed and it shall enter into effect at the moment of its taking.

[*9 June 2022*]

**Section 32. Performance of European Commission Procedural Actions in the Territory of Latvia**

(1) A district (city) judge according to the legal address of the Competition Council shall decide on giving the permission to the European Commission to perform the procedural actions provided for in Article 21(1) of Council Regulation No 1/2003. The procedures for the giving of a judicial warrant and the validity thereof are laid down in Chapter II.1 of this Law.

(2) Both the European Commission and the Competition Council on behalf of the European Commission are entitled to submit an application for the receipt of the permission provided for in Paragraph one of this Section.

[*13 March 2008; 12 May 2016*]

**Section 33. Assistance in the Preparation and Performance of European Commission Procedural Actions**

(1) The Competition Council shall provide the necessary assistance to the European Commission for the preparation and performance of the activities provided for in Articles 20 and 21 of Council Regulation No 1/2003.

(2) The State police shall ensure the necessary assistance to the European Commission if a market participant resists to the procedural actions provided for in Article 20(2) and Article 21(1) of Council Regulation No. 1/2003.

(3) Upon a request of the European Commission, the Competition Council, on the basis of a judicial warrant, shall take the actions referred to in Section 9, Paragraph five, Clause 4 of this Law. The procedures for the giving of a judicial warrant and the validity thereof are laid down in Chapter II.1 of this Law.

[*13 March 2008; 12 May 2016*]

**Section 34. Co-operation with Competition Authorities of other Member States**

(1) Upon a request of a competition authority of another Member State in a case regarding a possible infringement of European Union competition law, the Competition Council may take the actions referred to in Section 9, Paragraph five of this Law in relation to market participants existing in the territory of Latvia in accordance with the procedures laid down in this Law and other laws and regulations.

(2) Representatives of the competition authority of another Member State are entitled to participate in the performance of the actions referred to in Section 9, Paragraph five of this Law.

(3) The national competition authority which is the applicant authority and national competition authority which is the requested authority have the powers to exchange with information and use it as evidence for this purpose by having regard to the guarantees laid down in Article 12 of Council Regulation No 1/2003.

[*13 March 2008; 12 May 2016; 5 October 2017; 9 June 2022*]

**Section 35. Obligation of a Court**

[12 May 2016]

**Chapter IX**

**Execution of Cross-border Requests**

[*9 June 2022*]

**Section 36. Requests for the Notification**

The Competition Council shall, upon assignment of the competition authority of another Member State, notify the following to a market participant:

1) the information which is necessary for taking the decision on the possible infringement of European Union competition law and the decisions taken in the case;

2) any other procedural decision which is taken in relation to the investigation process;

3) on any other documents which are related to the application of European Union competition law, including on the documents which apply to the decision to enforce fines or periodic penalty payments.

[*9 June 2022*]

**Section 37. Requests for the Enforcement of Decisions Imposing Fines or Periodic Penalty Payments**

(1) Upon request of the competition authority of another Member State, the Competition Council shall ensure enforcement of its decision in the territory of Latvia imposing a fine or periodic penalty payment if the competition authority of the relevant Member State has made reasonable efforts in its own Member State and has ascertained that the market participant against which the fine or periodic penalty payment is enforceable does not have sufficient assets in the territory of the Member State to enable recovery of such fine or periodic penalty payment.

(2) The Competition Council shall ensure the enforcement of the decision referred to in Paragraph one of this Section also in case when a market participant does not perform economic activity in the Member State of the applicant authority. The Competition Council may only ensure the enforcement of the final decision.

(3) A limitation period for the enforcement of fines or periodic penalty payments shall be governed by the legal acts of the Member State of the applicant authority.

[*9 June 2022*]

**Section 38. General Principles of Cooperation**

(1) The requests referred to in Sections 36 and 37 of this Law shall be executed by the Competition Council in accordance with the procedures provided for in this Law and other laws and regulations.

(2) The requests referred to in Sections 36 and 37 of this Law shall be executed by the Competition Council on the basis of the uniform instrument issued by the applicant authority which shall be accompanied by a copy of the act to be notified or enforced. The uniform instrument shall be the only grounds for the enforcement measures in the territory of Latvia.

(3) The following information shall be provided in the uniform instrument:

1) the given name, surname or name, known address of the addressee and any other information of relevance for the identification of the addressee;

2) a summary of the relevant facts and circumstances;

3) a summary of the attached copy of the act to be notified or enforced;

4) the name, address, and other contact details of the requested authority;

5) the period within which the requests referred to in Sections 36 and 37 of this Law should be notified or executed.

(4) When submitting the request referred to in Section 37 of this Law, also the following information shall be additionally provided in the uniform instrument:

1) information on the decision permitting enforcement in the Member State of the applicant authority;

2) the date of taking the final decision;

3) the amount of the fine or periodic penalty payment;

4) information showing the reasonable efforts made by the applicant authority to enforce the decision in its own territory.

(5) The Competition Council is entitled not to execute the requests referred to in Sections 36 and 37 of this Law if any of the following conditions exists:

1) the request does not conform to the requirements of this Section;

2) the Competition Council is able to demonstrate reasonable grounds showing how the execution of the request in the territory of Latvia would be manifestly contrary to public order in the country.

(6) The Competition Council shall inform the applicant authority if it plans to refuse the requests referred to in Sections 36 and 37 of this Law and indicate a justification or request additional information.

[*9 June 2022*]

**Section 39. Communication Language**

The applicant authority shall submit the uniform instrument referred to in Section 38 of this Law to the Competition Council in the Latvian language, unless the parties have agreed on another communication language.

[*9 June 2022*]

**Section 40. Costs for the Enforcement of Notification and Requests for Enforcement of Decisions**

(1) The Competition Council is entitled to request the applicant authority to bear additional costs, including translation, labour, and administrative costs, caused to it in order to ensure the actions referred to in Sections 36 and 37 of this Law.

(2) The Competition Council is entitled to recover the costs incurred in order to ensure the actions referred to in Section 37 of this Law, including translation, labour, administrative costs and costs related to enforcement of a decision.

(3) The Competition Council shall recover the costs referred to in Paragraph two of this Section from the fines or periodic penalty payments collected on behalf of the applicant authority.

(4) If the Competition Council is unsuccessful in collecting the fines or periodic penalty payments on behalf of the applicant authority, it may request the applicant authority to bear the costs incurred.

[*9 June 2022*]

**Section 41. Enforcement of a Decision**

(1) If the Competition Council recognises the request referred to in Section 37 of this Law as justified, it shall commence the enforcement of the decision of the applicant authority in the territory of Latvia on the basis of the uniform instrument issued by this authority.

(2) If the decision referred to in Paragraph one of this Section is not enforced voluntarily, the Competition Council shall issue the executive order on forced recovery of delayed fine or periodic penalty payment on the basis of the uniform instrument issued by the applicant authority and transfer it for compulsory execution to a bailiff. A bailiff shall carry out the compulsory execution in accordance with the procedures laid down in laws and regulations.

(3) The Competition Council shall transfer the money payment recovered by the bailiff to the applicant authority after the costs referred to in Section 40, Paragraph two of this Law related to the execution of the request for assistance are covered.

[*9 June 2022*]

**Section 42. Disputes Regarding Requests for Notification and Enforcement of Decisions**

(1) Examination of the disputes regarding the request referred to in Sections 36 and 37 of this Law and lawfulness of the uniform instrument shall be within the competence of the institutions of the Member State of the applicant, and they shall be examined in accordance with the legal acts in force in the Member State of the applicant authority.

(2) The disputes regarding execution measures of the requests referred to in Sections 36 and 37 of this Law in the territory of Latvia or on validity of the notification of the Competition Council shall be examined by the court in accordance with the procedures laid down in laws and regulations.

[*9 June 2022*]

**Transitional Provisions**

1. With the coming into force of this Law, the Competition Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, No. 16, 1997; No. 2, 2000) is repealed.

2. Until the adoption of the relevant Cabinet regulations referred to in this Law, but not later than six months after the adoption of this Law, the following Cabinet regulations issued in accordance with the Competition Law shall be in force insofar as they are not in contradiction to this Law:

1) Cabinet Regulation No. 444 of 30 December 1997, Procedures for the Examination of the Violations of the Competition Law;

2) Cabinet Regulation No. 37 of 3 February 1998, Procedures by which Agreements between Market Participants are Acknowledged as in Effect;

3) Cabinet Regulation No. 73 of 3 March 1998, Procedures for the Submission and Examination of Notifications on the Merger of Undertakings (Companies);

4) Cabinet Regulation No. 74 of 3 March 1998, Regulations on Exclusive Distribution Agreements and Exclusive Purchasing Agreements Exempt from Prohibited Agreements Prescribed by the Competition Law;

5) Cabinet Regulation No. 341 of 8 September 1998, Regulations on Agreements on Specialisation in Production Exempt from Prohibited Agreements Prescribed by the Competition Law;

6) Cabinet Regulation No. 52 of 16 February 1999, Regulations on the Exemption of Franchise Agreements from the Prohibition of Agreements by the Competition Law;

7) Cabinet Regulation No. 53 of 16 February 1999, Regulations on the Exemption of Agreements on Joint Investigation and Development from the Prohibition of Agreements by the Competition Law;

8) Cabinet Regulation No. 122 of 23 March 1999, Regulations on Agreements on Patents and Know-how Licenses Exempt from Prohibited Agreements Prescribed by the Competition Law;

9) Cabinet Regulation No. 147 of 20 April 1999, Regulations on the Exemption of Automobile Distribution and Servicing Agreements from the Prohibition of Agreements by the Competition Law;

10) Cabinet Regulation No. 260 of 20 July 1999, Regulations on the Exemption of Agreements in the Field of Insurance from the Prohibition of Agreements Prescribed by the Competition Law;

11) Cabinet Regulation No. 284 of 22 August 2000, Regulations on the Exemption of Agreements of Carriers Engaged in Air Transport from the Prohibition of Agreements Prescribed by the Competition Law;

12) Cabinet Regulation No. 50 of 6 February 2001, Regulations on the Exemption of Agreements of Liner Shipping Companies from the Prohibition of Agreements Prescribed by the Competition Law.

3. The Competition Council referred to in this Law is the successor in law and interest of the Competition Council, which was established and operated in accordance with the Competition Law of 18 June 1997.

4. Until the day of entry into force of new Cabinet regulations, but not longer than 1 November 2004, the following Cabinet regulations shall be applicable insofar as they are not in conflict with this Law:

1) Cabinet Regulation No. 22 of 20 January 2003, Procedures for Submission and Examination of Notification Regarding Market Participant Mergers;

2) Cabinet Regulation No. 468 of 19 August 2003, Procedures for the Calculation of Fines for the Violations Referred to in Section 11, Paragraph One and Section 13 of the Competition Law.

[*22 April 2004*]

5. The new wording of Section 1, Clause 1 (explanation of the term “dominant position”), and also the new wording of Section 13 (prohibition of the abuse of the dominant position) and the new wording of Section 14 (liability for the abuse of the dominant position) of this Law shall enter into force 1 October 2008.

[*13 March 2008*]

6. Until 1 October 2008, the Cabinet shall issue the regulations referred to in Section 14, Paragraph four of this Law regarding the procedures for determining the fines in cases where dominant position has been abused, which provide specific features for the calculation of net turnover for the financial year, and set out the procedures for the calculation of fines, as well as specify the cases where there is title to a reduction in the fine. Until the day of entry into force of the relevant regulations, Cabinet Regulation No. 862 of 19 October 2004, Procedures for the Calculation of Fines for the Violations Referred to in Section 11, Paragraph one and Section 13 of the Competition Law, shall be applicable insofar as it is not in contradiction to this Law.

[*13 March 2008*]

7. The Cabinet shall issue the following regulations until 1 October 2008:

1) the regulations referred to in Section 11, Paragraph three of this Law setting out the procedures for the submission and examination of notifications regarding the agreements of market participants;

2) the regulations referred to in Section 11, Paragraph four, Clause 1 of this Law that specify those agreements of separate market participants that do not have a significant influence on competition;

3) the regulations referred to in Section 11, Paragraph four, Clause 2 of this Law which specify the criteria in accordance with which individual agreements between market participants are exempted from the prohibition of agreements referred to in Section 11, Paragraph one of this Law.

[*13 March 2008*]

8. Until the day of entry into force of the Cabinet regulations referred to in Paragraph 7 of these Transitional Provisions, but not later than 1 October 2008, the following regulations shall be applicable insofar as they are not in contradiction to this Law:

1) Cabinet Regulation No. 699 of 16 December 2003, the Procedures by Which the Competition Council Permits Agreements referred to in Section 11, Paragraph One of the Competition Law;

2) Cabinet Regulation No. 259 of 25 June 2002, Regulations on the Exemption of Agreements Entered Into in the Field of Domestic Carriage by Rail and by Road from the Prohibition of Agreements Prescribed by the Competition Law;

3) Cabinet Regulation No. 434 of 27 April 2004, Regulations Regarding Vertical Agreement Exemption from the Agreement Prohibition Specified in Section 11, Paragraph One of the Competition Law;

4) Cabinet Regulation No. 317 of 25 April 2006, Regulations Regarding Exemption of Separate Horizontal Co-operation Agreements from the Agreement Prohibition Specified in Section 11, Paragraph One of the Competition Law.

[*13 March 2008*]

9. The Cabinet shall, until 1 October 2008, issue the regulations referred to in Section 15, Paragraph five of this Law, which specify the procedures for the submission and examination of the full-form notification and the short-form notification in the event of a merger of market participants. Until the day of entry into force of the relevant regulations, but not later than until 1 October 2008, Cabinet Regulation No. 897 of 26 October 2004, Procedures for the Submission and Examination of a Notification regarding a Merger of Market Participants, shall be applicable.

[*13 March 2008*]

10. The Competition Council shall complete the examination of cases regarding the possible violation of the prohibition of unfair competition in accordance with the procedures of administrative proceedings.

[*14 November 2008*]

11. Amendments to Section 5, Paragraphs one and six of this Law (regarding the reduction in the number of members of the Competition Council) shall come into force on 1 March 2010.

[*1 December 2009*]

12. The Cabinet, complying with the requirements of the State Civil Service Law and other laws and regulations, shall take the necessary actions to ensure that, from 1 March 2010, the Competition Council shall be composed of its Chair and two members of the Competition Council.

[*1 December 2009*]

13. Violations committed up to 31 December 2015 by abusing the dominant position in retail trade shall be examined in accordance with the procedures laid down in this Law and in accordance with the provisions of laws and regulations regarding the imposition of fines that were in force until 31 December 2015.

[*21 May 2015*]

14. Until 31 December 2016, the Cabinet shall issue the regulations referred to in Section 12.1, Paragraph seven of this Law.

[*12 May 2016*]

15. If a member of the Competition Council has started fulfilling the official duties by 15 June 2016 and continues to fulfil them thereafter, his or her term of office shall be counted from the day when the Cabinet order on his or her appointment as a member of the Competition Council comes into force. The restriction laid down in this Law which prevents a member of the council from being appointed to the office more than two times in succession shall be counted from the beginning of the term of office of a council member.

[12 May 2016]

16. Amendments regarding the supplementation of Section 6, Paragraph one of this Law with Clause 6, and also regarding the supplementation of this Law with Sections 14.1 and 14.2 shall come into force on 1 January 2020.

[*28 March 2019*]

17. The Cabinet shall issue the regulations referred to in Section 14.2, Paragraph four of this Law until 31 December 2019.

[*28 March 2019*]

18. The term of office specified for the chairperson of the council and council members who have been appointed in the office until 30 June 2022 shall remain the same. If the chairperson of the council or a council member has started the fulfilment of the official duties by 30 June 2022 and continues to fulfil them after this date, his or her term of office shall be counted from the day when the Cabinet order on his or her approval in the office of the chairperson of the council or a council member has entered into effect.

[*16 November 2021*]

19. The Cabinet shall take the necessary actions in order to ensure that starting from 1 July 2022 the composition of the council includes its chairperson and four council members.

[*16 November 2021*]

20. Amendment to Section 5, Paragraph five of this Law shall come into force on 1 July 2022.

[*9 June 2022*]

21. Section 5, Paragraphs 2.1 and 2.2 of this Law shall come into force on 1 August 2022.

[*9 June 2022*]

22. Section 5, Paragraphs 2.1, 2.2, 2.3 and Section 5.1 of this Law shall not apply to the performance of the task referred to in Paragraph 19 of these Transitional Provisions. The selection of two additional candidates for the office of the council members of the Competition Council shall be ensured in accordance with the general procedures for the selection of candidates for the office of a civil servant laid down in the State Civil Service Law.

[*9 June 2022*]

23. Section 5.1 of this Law which provides for the requirements for the candidates for the office of the chairperson of the council and council member shall not apply to the persons who have started to fulfil the official duties of the chairperson of the council or council member until the day of coming into force of such requirements.

[*9 June 2022*]

24. Section 8.1, Paragraph eight, Section 9.4, Paragraph three, and Section 14.3, Paragraph five of this Law shall come into force on 1 November 2022. Until the day of coming into force of the Cabinet regulations referred to in these legal norms, but not longer than by 31 October 2022, Cabinet Regulation No. 179 of 29 March 2016, Procedures for Determining a Fine for the Infringements Provided for in Section 11, Paragraph One, Sections 13 and 14.1 of the Competition Law and Sections 5, 6, 7, and 8 of the Unfair Retail Trade Practices Prohibition Law, shall be applicable insofar as they are not in contradiction with this Law.

[*9 June 2022*]

**Informative Reference to the Council Regulation**

[13 March 2008]

**Informative Reference to the European Union Directives**

[*9 June 2022*]

This Law contains legal norms, which arise from:

1) Directive 2014/204/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union;

2) Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market.

This Law shall come into force on 1 January 2002.

This Law has been adopted by the *Saeima* on 4 October 2001.

President V. Vīķe-Freiberga

Rīga, 23 October 2001