

Rights of the Competition Council during investigations

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The officials of the Executive Directorate of the Competition Council, when carrying out their professional duties outside office premises, shall present their service identification documents.

Rights of the Executive Directorate of the Competition Council

The rights of the Executive Directorate have been defined in [Section 9 of the Competition Law](#):

to require, from any person or association of persons, the necessary information (including information containing commercial secrets) and written or oral explanations

! The information must be provided within the period prescribed in [Section 26, Paragraphs two and three of the Competition Law](#) and according to the mode of provision of such information specified by the Executive Directorate

to summon any person to appear at the Competition Council to provide explanations

to pay a visit to any market participant or an association of market participants (including without prior notice). During such a visit, officials of the Executive Directorate have the right to:

- request documents (including documents prepared electronically and containing commercial secrets), become acquainted with these on site and receive such documents or derivative documents thereof certified in accordance with the procedures set out in regulatory enactments,
- request written or oral explanations,
- withdraw property items and documents which may be of importance to the case,
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 employees thereof, 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 property and documents therein including data stored on computers, floppy disks and other information media in an electronic information system. If a person whose property or documents undergo a search refuses to open the objects or storage facilities existing therein, the officials of the Executive Directorate are entitled to open such objects or facilities without causing substantial harm. During forcible search and inspection, the officials of the Executive Directorate are entitled to:
 - 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
 - become acquainted with the information included in the documents and in the electronic information system (including information containing commercial secrets)
 - withdraw property items and documents which have been found and which may be of importance to the case
 - request and receive derivative documents certified in accordance with the procedures set out in regulatory enactments
 - print out or record data stored in the electronic information system to electronic information media
 - request written or oral explanations from the employees of the market participant
 - for a period not exceeding 72 hours, seal the non-residential premises, means of transport, structures and other objects and the storage facilities therein, in order to ensure the preservation of evidence

on the basis of a judicial warrant, if there are justifiable grounds for suspicion that documents or property 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, these may also be inspected in the presence of police.

Obligations of the employees of visited undertakings and other involved persons

to 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

to ensure access to documents compiled or stored in any way or form, as well as to data stored in the electronic information system

to provide full and truthful requested information within a specified period of time

to present the requested documents, true copies (copies) or extracts thereof, and certify the accuracy thereof in accordance with the procedures set out in regulatory enactments

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

execute other lawful requests made by officials of the Executive Directorate

Sanctions in the event of non-compliance with requests

Officials of the Competition Council are entitled to prepare a report regarding an administrative violation concerning:

failure to provide information and the provision of inaccurate information to the Competition Council

failure to comply with the decisions of the Competition Council and the lawful requests of officials

<https://www.kp.gov.lv/en/rights-competition-council-during-investigations>