

Reporting a violation

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What information needs to be provided

In order to report a violation to the Competition Council, the contents of the submission must be presented in accordance with the provisions of [the Competition Law](#). Thus, the following information must be provided in a submission:

Who is the violator?

You should provide the name and, if possible, the registration number of the undertaking (or multiple undertakings)

What proof is there that a violation has taken place?

You may list all the facts you find relevant. If possible, any copies of contracts or letters or e-mail correspondence, price quotations and other proposals regarding contract terms, data of market analysis and any other documents containing evidence of a violation or proof of a link between unlawful actions and losses caused by the undertaking should be enclosed with the submission. The copies/printouts enclosed must be certified according to the procedures specified in regulatory enactments.

Which provisions of the Competition Law have been breached?

The Competition Council examines the following breaches of the [Competition Law](#): Section 11 (prohibited agreements), Section 13 (prohibition of the abuse of a dominant position) and Section 15 (mergers not approved by the Competition Council). If it proves difficult to establish which of the above Sections has been violated, the Competition Council itself will identify the provision of the Competition Law that may have been violated by evaluating the circumstances described in the submission, but this requires a sufficiently detailed description of the situation that allows the nature of the potential violation to be understood.

Facts confirming that you are a party interested in preventing the violation

You should indicate in the submission whether, and in what ways, you have been harmed by the actions of the violator.

What steps have been taken to date?

The submission should state whether you have undertaken anything and what steps exactly you have taken to terminate the violation before contacting the Competition Council. The authority requires this information to comprehend the situation more fully. Objectively speaking, it is not always possible – or useful – to do anything else towards preventing a violation without contacting the Competition Council. For example, if you have a suspicion of a cartel agreement, you should inform neither the potential violators nor the mass media of your suspicion, as doing so will enable the violators to destroy any evidence of the violation, and the Competition Council will not be able to prove it. Thus, if the submission does not contain information on the steps undertaken to date, the Competition Council will not consider it to be grounds for rejecting the submission.

How to present the submission

The submission is addressed to the Competition Council, providing the date of the submission

Details regarding the submitter are included:

- A natural person must provide his or her (1) full name, and (2) the address of the declared place of residence
- A legal person must provide (1) the name of the undertaking, (2) the registration number, and (3) the legal address (registered office)

- It is preferable that you also provide a contact telephone number so that if necessary the Competition Council can obtain the necessary additional information as efficiently as possible

A submission must be signed:

- A natural person has to sign the submission his- or herself
- In the case of legal persons, the submission is signed by a representative who has the right of representation: the chairperson of the board of directors, a board member with the authority to represent the company separately, a proctor, etc. Other persons may sign a submission if they have the relevant authorisation, which has to be enclosed with the submission.

If a submission contains restricted access information, the exact information, data, figures, appendices, calculations, etc. need to be identified that are to be kept secret. In practical terms, this is most easily done by highlighting (underlining or marking in colour) the relevant data and noting at the end of the submission that the highlighted information is subject to restricted access. ([more information](#))

Procedures for the review of submissions

Timeframe:

Within one month of receipt of a submission, the Competition Council will decide whether or not a case is to be initiated

If a submission does not contain enough information to assess whether there are sufficient grounds for initiating a case, the Competition Council will obtain the necessary additional information. Therefore, if it is impossible to comply with this time limit, the Competition Council may decide on a period of examination of up to two months from the receipt of the submission by notifying the submitter accordingly.

Actions by the Competition Council

The Competition Council will initiate a case if all the necessary information has been provided in a submission, and such justifiably indicates a potential violation

The Competition Council may refrain from initiating a case if:

- ● a submission does not contain all the information required by the Law and the submitter has failed to provide the necessary additional information within the period specified by the authority
- ● the possible violation is a minor violation – no substantial harm to competition has been or can be caused by it
- ● the information included in a submission and obtained additionally does not contain information that indicates a potential violation

If a case has not been initiated, the Competition Council will inform the submitter of the reasons

<https://www.kp.gov.lv/en/reporting-violation>