

Competition Council hosts Second Lawyers' Forum

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On 25 April, 2014, the second Lawyers' Forum was organized by the Competition Council (CC) of Republic of Latvia. The forum serves as a platform for discussion among specialists of the CC and representatives of law firms specialising in competition law. It was dedicated to current problems of competition law, exchange of experience between lawyers and representatives of the CC, and the search for new ways to increase the effectiveness of the CC.

During the opening speech, Mrs. Skaidrīte Ābrama, chairwoman of the CC, stressed that the forum's importance lies in helping to gain a better understanding of the work on both sides, i.e. the representatives of undertakings and the supervisors of competition. This helps the learning process, and brings to light flaws which might burden the effective application of the law if they undiscovered, said Mrs. Ābrama.

Legal professional privilege of correspondence between lawyer and client was the first topic of the Lawyers' Forum. During the case investigation phase, CC employees are not authorised to see lawyer-client privileged correspondence obtained in dawn raids and use it later as evidence in the courtroom. CC experts illustrated how the practice has been applied by the CC. Currently, protection of privileged correspondence is ensured by an employee of the CC who is involved neither in the investigation nor in the adoption of the decision. In order to render this practice more effective, the experience gained by other EU Member States was discussed.

Due process and the right of an undertaking to be heard formed the second discussion topic. Representatives of law firms explained that undertakings prefer to gain more information during the investigation, as well as to expand the right to be heard in person. At the same time, CC experts described a new practice applied by the CC, i.e. oral hearings. The method is used during proceedings to hear the undertakings on the arguments brought forward by the CC.

The third topic was preparation of merger notifications, where participants examined which information has to be included in a merger notification and which information can be waived upon request to make evaluation by the CC swifter. Lawyers described explanations they would like to receive from the CC to make preparation of a merger notification easier. Which information has to be included in the merger notification, is defined in regulations of the Cabinet of Ministers.

Ideas and opinions put forward in the forum were collected and will be considered in the development of guidelines for undertakings.

The first Lawyers' Forum was held at the end of 2013, when the proposed amendments to the Latvian Competition Act were discussed. The second Lawyers' Forum was welcomed by all participants and they expressed the wish for the forum to be organized more often on a regular basis.

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