



International
Competition
Network

ANTI-CARTEL ENFORCEMENT TEMPLATE

CARTELS WORKING GROUP
Subgroup 2: Enforcement Techniques

Latvia

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ICN ANTI-CARTEL ENFORCEMENT TEMPLATE

IMPORTANT NOTES:

This template is intended to provide information for the ICN member competition agencies about each other's legislation concerning hardcore cartels. At the same time the template supplies information for businesses participating in cartel activities about the rules applicable to them; moreover, it enables businesses which suffer from cartel activity to get information about the possibilities of lodging a complaint in one or more jurisdictions.

Reading the template is not a substitute for consulting the referenced statutes and regulations. This template should be a starting point only.

1. Information on the law relating to cartels

A. Law(s) covering cartels:	04.10.2001. Latvian Law on Competition (hereafter Competition Law) http://www.kp.gov.lv/en/regulatory-enactments/norms-on-competition
B. Implementing regulation(s) (if any):	The Cabinet Regulation " <i>Procedures for the Determination of Fines for the Violations Provided for in Section 11, Paragraph one and Section 13 of the Competition Law</i> " No. 796 (hereafter Cabinet Regulation) http://www.kp.gov.lv/en/regulatory-enactments/norms-on-competition
C. Interpretative guideline(s) (if any):	NA
D. Other relevant materials (if any):	Decisions of Competition Council (available in Latvian only): http://kp.gov.lv/lv/konkurences-padomes-lemumi

2. Scope and nature of prohibition on cartels

<p>A. Does your law or case law define the term “cartel”?</p> <p>If not, please indicate the term you use instead.</p>	<p>Definition is not given in the Competition Law, but in the implementing Regulation - In Article 2.9. of the Cabinet Regulation Regarding Exemption of Horizontal Co-operation Agreement from the Agreement Prohibition Specified in Section 11, Paragraph one of the Competition Law” No. 798.</p> <p>Horizontal cartel agreement is defined as: <i>agreement between competitors the purpose of which is to hinder, restrict or distort the competition amongst them, including agreement regarding direct or indirect fixing of prices or tariffs in any manner, or regarding provisions for their formation, as well as regarding such exchange information which related to prices or provisions regarding sale, agreement regarding restriction or control of the scope of production or sales, markets, technical development, or investment, agreement regarding division of markets taking into account territory, customers, suppliers or other conditions and agreement regarding participation or non-participation in competitions or auctions or regarding the provisions for such actions (inactions);</i></p> <p>http://www.kp.gov.lv/en/regulatory-enactments/norms-on-competition</p>
<p>B. Does your legislation or case law distinguish between very serious cartel behaviour (“hardcore cartels” – e.g.: price fixing, market sharing, bid rigging or production or sales quotas¹) and other types of “cartels”?</p>	<p>No</p>
<p>C. Scope of the prohibition of hardcore cartels: [including any exceptions, exclusions and defences e.g. for particular industries or sectors.]</p>	<p>There are no limitations as regards the scope of prohibition of cartels.</p>
<p>D. Is participation in a hardcore cartel illegal <i>per se</i>?</p>	<p>Yes</p>
<p>E. Is participation in a hardcore cartel a civil or administrative or criminal offence, or a combination of these?</p>	<p>It is an administrative offence (plus rights deriving from the Civil Law and Competition Law to claim damages caused by infringements of Competition Law)</p>

¹ In some jurisdictions these types of cartels – and possibly some others – are regarded as particularly serious violations. These types of cartels are generally referred to as “hardcore cartels”. Hereinafter this terminology is used.

3. Investigating institution(s)

A. Name of the agency, which investigates cartels:	The Competition Council (Executive Directorate)
B. Contact details of the agency:	Competition Council of Latvia Address: Brīvības iela 55, Rīga, LV-1010, Latvia Telephone: +371 67282865 Fax: +371 67242141 website: www.kp.gov.lv (Latvian, English) e-mail: konkurence@kp.gov.lv
C. Information point for potential complainants:	Address: Brīvības iela 55, Rīga, LV - 1010, Latvia Telephone: +371 67282865 Fax: +371 67242141
D. Contact point where complaints can be lodged:	Address: Brīvības iela 55, Rīga, LV - 1010, Latvia
E. Are there other authorities which may assist the investigating agency? If yes, please name the authorities and the type of assistance they provide.	No

4. Decision-making institution(s)² [to be filled in only if this is different from the investigating agency]

A. Name of the agency making decisions in cartel cases:	The Competition Council (Council)
B. Contact details of the agency:	see point 3B
C. Contact point for questions and consultations:	see point 3B
D. Describe the role of the	The Executive Directorate of the Competition Council

² Meaning: institution taking a decision on the merits of the case (e.g. prohibition decision, imposition of fine, etc.)

investigating agency in the process leading to the sanctioning of the cartel conduct.	investigates the case using its investigatory powers and drafts the final decision in the case which is then submitted to the Competition Council together with the case file. The final decision in the case is adopted by the Competition Council.
E. What is the role of the investigating agency if cartel cases belong under criminal proceedings?	Not applicable

5. Handling complaints and initiation of proceedings

A. Basis for initiating investigations in cartel cases: [complaint, ex officio, leniency application, notification, etc.]	Investigations can be initiated on the basis of a complaint, leniency application, ex officio, or based on the report of other institution.
B. Are complaints required to be made in a specific form (e.g. by phone, in writing, on a form, etc.)?	There is no specific form established for applications to be made. They must be submitted in writing and the legal criteria applying to such complaints are included in Section 23 of Competition Law which requires that the application should contain the following information 1) the information on parties involved in the infringement; 2) evidence in the possession of the applicant which proves the alleged infringement; 3) provisions of Competition Law which are allegedly infringed; 4) facts which prove that the person has sufficient reasons to be interested in the termination of the infringement; 5) measures taken to terminate the infringement before application to the Competition Council.
C. Legal requirements for lodging a complaint against a cartel: [e.g. is legitimate interest required, or is standing to make a complaint limited to certain categories of complainant?]	Complaints can be made by persons who have legitimate interest in the termination of the infringement. Such persons according to Section 23 of Competition Law are persons the rights and legal interests of which had been or could be violated by the infringement, as well as persons involved in the infringement.
D. Is the investigating agency obliged to take action on each complaint that it receives or does it have discretion in this respect?	The Competition Council is not obliged to take action on each complaint. It must decide within 30 days from the day complaint is received whether to open an investigation or not.
E. If the agency intends not to pursue a complaint, is it required to adopt a decision addressed to the complainant explaining its	According to Article 5 of Section 23 of Competition Law "if the proceedings were not initiated, the applicant shall be informed about reasons why proceedings were not initiated and about possible reconsideration of the application after the inadequacy of the application was eliminated or additional

reasons?	information received.
F. Is there a time limit counted from the date of receipt of a complaint by the competition agency for taking the decision on whether to investigate or reject it?	See point 5D

6. Leniency policy³

A. What is the official name of your leniency policy (if any)?	There is no specific name for leniency policy in Latvia [but a new section dedicated to the Leniency program will be added to the Competition Law by draft amendments and the title of this section is “The Leniency program“]. At the moment Section of Cabinet Regulation [see point 1B] dealing with leniency matters is named Immunity from fines or reduction of fines of members of horizontal cartel agreement.
B. Does your jurisdiction offer full leniency as well as partial leniency (i.e. reduction in the sanction / fine), depending on the case?	Our jurisdiction provides full immunity from fines as well as reduction of fines.
C. Who is eligible for full leniency [only for the first one to come forward or for more participants in the cartel]?	Full immunity can be granted to market participant who is the first to inform the Council about cartel and the Council does not possess such information which would allow the Council to initiate a case or find infringement.
D. Is eligibility for leniency dependent on the enforcing agency having either no knowledge of the cartel or insufficient knowledge of the cartel to initiate an investigation? In this context, is the date (the moment) at which participants in the cartel come forward with information (before or after the opening of an investigation) of any relevance for the outcome of leniency	Eligibility for leniency is dependent on whether the Council has any information about cartel. Thus full immunity could be granted only if the Council did not possess any information that would allow it to initiate a case on possible infringement or to find infringement. Still the applicant can apply for reduction of fine if he voluntarily submits information, which is not in the possession of the Council when the case is already initiated. The applicant can only apply for partial reduction (not full immunity) of fine if he submits information after the case is initiated.

³ For the purposes of this template the notion of ‘leniency’ covers both full leniency and a reduction in the sanction or fines. Moreover, for the purposes of this template terms like ‘leniency’ ‘amnesty’ and ‘immunity’ are considered as synonyms.

applications?	
E. Who can be a beneficiary of the leniency program (individual / businesses)?	Market participants (term identical in the meaning to European term "undertakings").
F. What are the conditions of availability of full leniency: [e.g. provide decisive evidence, maintain cooperation throughout, not to be the ringleader, cease the infringement, restitution, etc.]	<p>As stated in Article 31 of the Cabinet Regulation: <i>A cartel participant shall be released from a fine if the following conditions are met:</i></p> <p style="padding-left: 40px;"><i>31.1. the cartel participant upon its own initiative has been the first to submit an application to the Council regarding release from a fine. The following information shall be included in the application insofar as it is known to the submitter of the application at the time of submitting the application:</i></p> <p style="padding-left: 80px;"><i>31.1.1. names and legal addresses of the submitter of the application and other cartel participants;</i></p> <p style="padding-left: 80px;"><i>31.1.2. description of the cartel: the objective, principles of operation, the markets of the relevant goods, market volumes, duration of activities and geographic area;</i></p> <p style="padding-left: 80px;"><i>31.1.3. evidence at the disposal of or available to the submitter of the application and other information related to the cartel regarding facts and conditions, which is sufficient for initiation of proceedings regarding violation of the prohibition of horizontal cartel agreement;</i></p> <p style="padding-left: 40px;"><i>31.2. there is not sufficient evidence, on the basis of which proceedings might be initiated or a violation of the prohibition of horizontal cartel agreement might be determined, at the disposal of the Council at the time of receipt of the application; and</i></p> <p style="padding-left: 40px;"><i>31.3. the submitter of the application:</i></p> <p style="padding-left: 80px;"><i>31.3.1. prior to submitting the application, has not destroyed, forged or hidden evidence related to the cartel;</i></p> <p style="padding-left: 80px;"><i>31.3.2. has not been the initiator of the cartel and has not performed activities in order to force other market participants to participate in the cartel or to continue participation therein;</i></p> <p style="padding-left: 80px;"><i>31.3.3. after submitting the application has immediately terminated participation in the cartel if the Council has not specified otherwise;</i></p> <p style="padding-left: 80px;"><i>31.3.4. upon its own initiative or upon a request of the Council, has provided all evidence at the disposal thereof or available thereto and other information related to the cartel regarding facts and conditions, has truly, actively and continuously co-operated with the Council from the time of submitting the application until the taking of a decision; and</i></p> <p style="padding-left: 80px;"><i>31.3.5. has not disclosed the fact regarding submitting the application and co-operation with the Council in relation to an investigation of a violation of the prohibition of the horizontal cartel agreement to the other cartel participants or other persons.</i></p> <p><i>32. An application regarding release from a fine shall be appended a written certification that a cartel participant:</i></p> <p style="padding-left: 40px;"><i>32.1. has submitted the application upon its own initiative;</i></p> <p style="padding-left: 40px;"><i>32.2. has provided all the information and evidence regarding the cartel, which is at the disposal thereof or available thereto at the time of submitting the application;</i></p> <p style="padding-left: 40px;"><i>32.3. prior to submitting the application has not destroyed, forged or hidden evidence that is related to the</i></p>

	<p><i>cartel;</i></p> <p><i>32.4. has not been the initiator of the cartel [In the draft amendments to the Competition law and implementing Cabinet Regulation the requirement that the applicant “is not the initiator of the cartel”]and has not performed activities in order to force other market participants to participate in the cartel or to continue participation therein;</i></p> <p><i>32.5. has not disclosed information regarding co-operation with the Council to the other cartel participants or other persons;</i></p> <p><i>32.6. undertakes to submit to the Council all the information and evidence regarding the cartel at the disposal thereof or available thereto without delay; and</i></p> <p><i>32.7. undertakes truly, completely, actively and continuously to co-operate with the Council from the time of submitting the application until the taking of a decision by the Council.</i></p>
<p>G. What are the conditions of availability of partial leniency (such as reduction of sanction / fine / imprisonment):</p>	<p>Partial leniency or reduction of fines is possible if the party voluntary on its own initiative submits information already after the case is initiated and the Council does not have such information in its possession as well as the party must cooperate with the Council during the investigation and is not the initiator of the cartel, does not play decisive role in it and has not forced others to participate in the cartel.</p> <p>The first one to submit information after a case is initiated can receive 30 to 50% reduction if he complies with the abovementioned criteria;</p> <p>Others can receive 20-30% reduction if the Council did not have the information in question and if they cooperate actively during the investigation of the case.</p>
<p>H. Obligations for the beneficiary after the leniency application has been accepted:</p>	<p>See answer to point 6 F.</p>
<p>I. Are there formal requirements to make a leniency application?</p>	<p>There is no specific form for leniency applications. Applications must be submitted in writing. The Cabinet Regulation [1B] requires a reasoned application in which the applicant explains whether and how he complies with the legal criteria to receive immunity or reduction of fines.</p>
<p>J. Are there distinct procedural steps within the leniency program?</p>	<p>There are no distinct procedural steps expressly mentioned in the legislation however they can be implied. The one step would be submission by the applicant of the information on the cartel. The next step would be submission of the reasoned application that the applicant complies with the legal criteria for leniency. And the last step - adoption by the Council of the final decision in the case in which inter alia leniency application is evaluated and full immunity or reduction of fines granted.</p>
<p>K. At which time during the application process is the applicant given certainty with respect to its eligibility for leniency,</p>	<p>Since there are criteria, which can be assessed only at the end of the investigation [See answer to point 6 F] of the case namely the requirement to actively cooperate with the Council during the investigation, the applicant can be certain that he will be granted full immunity only when the final decision is adopted</p>

and how is this done?	in the case.
L. What is the legal basis for the power to agree to grant leniency? Is leniency granted on the basis of an agreement or is it laid down in a (formal) decision? Who within the agency decides about leniency applications?	Leniency is granted by the final decision of the case. The Competition Council decides on whether to grant or not the leniency within the final decision in the case.
M. Does your legislation have a marker system? If yes, please describe it.	<p>Yes. As stated in the Cabinet Regulation:</p> <p>“36. The date and time of receipt of an application shall be indicated in the notification referred to in Paragraph 35 of these Regulations. In addition the date and time, until which an applicant submits a written application regarding release from a fine pursuant to the requirements specified in Sub-paragraph 31.1 and Paragraph 32 of these Regulations, shall be indicated in a notification regarding <u>assigning a sequence number in the queue of submitters</u> of applications for release from a fine.</p> <p>37. If the Council has accepted an application of a cartel participant regarding assigning the first sequence number for release from a fine and an application regarding release from a fine has been submitted within the time period specified by the Council, it shall be deemed that the application was submitted and accepted for examination on the date when the application regarding assigning the first sequence number for release from a fine was submitted.”</p>
N. Does the system provide for any extra credit⁴ for disclosing additional violations?	No. But the Council is not precluded to do so on its own discretion.
O. Is the agency required to keep the identity of the beneficiary confidential? If yes, please elaborate.	The Executive Directorate does so until the statement of objection letter are sent to the parties of the case.
P. Is there a possibility of appealing an agency’s decision rejecting a leniency application?	It is not envisaged by the law.
Q. Contact point where a leniency application can be lodged:	<p>Address: Brīvības iela 55, Rīga, LV-1010, Latvia</p> <p>Telephone: +371 67282865</p> <p>Fax: +371 67242141</p>
R. Does the policy address the possibility of leniency being revoked?	No, there is no such possibility

⁴ Also known as: “leniency plus”, “amnesty plus” or “immunity plus”. This category covers situations where a leniency applicant, in order to get as lenient treatment as possible in a particular case, offers to reveal information about participation in another cartel distinct from the one which is the subject of its first leniency application.

<p>If yes, describe the circumstances where revocation would occur. Can an appeal be made against a decision to revoke leniency?</p>	
<p>S. Does your policy allow for “affirmative leniency”, that is the possibility of the agency approaching potential leniency applicants?</p>	<p>No, there is no such possibility</p>

7. Investigative powers of the enforcing institution(s)⁵

<p>A. Briefly describe the investigative measures available to the enforcing agency such as requests for information, searches/raids⁶, electronic or computer searches, expert opinion, etc. and indicate whether such measures requires a court warrant.</p>	<p>According to Article 9 of the Cabinet Regulation: [...] (5) <i>The Executive Directorate, when carrying out market supervision or conducting investigations of the violations of this Law or of the Advertising Law on behalf of the Competition Council, is entitled to:</i></p> <ol style="list-style-type: none"> 1) <i>request and receive from any person and person association, in the manner specified by the Executive Directorate for provision of information within the time period specified [...], information necessary to perform the tasks specified in this Law, (including information containing commercial secret), as well as written or oral explanations;</i> 2) <i>request any person who is related to a violation of this Law or the Advertising Law and whose explanations may be of importance in the case to appear at the Competition Council to give an explanation;</i> 3) <i>pay a visit to any market participant or an association of market participants (including without prior notice). At the time of visiting the market participant, officials of the Executive Directorate have the right to:</i> <ol style="list-style-type: none"> a) <i>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 set out in regulatory enactments;</i> b) <i>request and receive written or oral explanations from the employees of a market participant; and</i> c) <i>withdraw property and documents of a market participant or an association of market participants which may be of importance in the case;</i> 4) <i>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 <u>market participant or by an association of market participants</u>, to open them and the storage facilities</i>
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⁵ “Enforcing institutions” may mean either the investigating or the decision-making institution or both.

⁶ “Searches/raids” means all types of search, raid or inspection measures.

	<p>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 the information (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 them without causing substantial harm. During forcible search and inspection the officials of the Executive Directorate are entitled to:</p> <ul style="list-style-type: none"> 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) withdraw property items and documents which have been found and which may be of importance to the case; d) request and receive derivative documents certified in accordance with the procedures set out in regulatory enactments; 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 from the employees of the market participant; and g) temporarily, but not longer than for 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; and <p>5) on the basis of a <u>judicial warrant</u>, 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, <u>possession or use of other persons</u>, perform, in relation to such persons, the activities referred to in Clause 4 of this Paragraph in the presence of police.</p>
<p>B. Can private locations, such as residences, automobiles, briefcases and persons be searched, raided or inspected? Does this require authorisation by a court?</p>	<p>See point 7A</p>
<p>C. May evidence not falling under the scope of the authorisation allowing the inspection be seized / used as evidence in another case? If yes, under which circumstances (e.g. is a post-search court warrant needed)?</p>	<p>The Article 9 (cited above) of the Competition Law states that Employees of the Executive Directorate are entitled to “withdraw property and documents of a market participant or an association of market participants <u>which may be of importance in the case</u>”. This definition is quite broad and does not strictly forbid the Competition Council during a dawn raid to seize evidence that might point to other infringement than the initial one.</p>

<p>D. Have there been significant legal challenges to your use of investigative measures authorized by the courts? If yes, please briefly describe them.</p>	<p>No - not significant ones.</p>
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8. Procedural rights of businesses / individuals

<p>A. Key rights of defence in cartel cases:</p>	<ul style="list-style-type: none"> - the party shall be notified on the suspected violation; the party must be informed of its rights and obligations when investigative measures are used. - the party submitting information voluntary or under a request of investigative institution can indicate which part of information should be treated as confidential and should not be disclosed to third parties; - the party is entitled to receive a notification from the Council when all the facts necessary to adopt a decision in the case are collected. - the party is entitled to get acquainted with case file in all stages of the investigation, except if the Executive Directorate refuses access in the stage of investigation where such access might hinder the path investigation; - the party is entitled to express its opinion regarding information collected in the case file and submit additional information; - the party shall be informed of the legal basis of all the investigative measures performed by the Executive Directorate against it; - the party is entitled to appeal investigative measures implemented by the Executive Directorate; -when providing explanations during the dawn raid party is entitled to use the assistance of counsel or 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; <p>(The list of rights is not exhaustive)</p>
<p>B. Protection awarded to business secrets (competitively sensitive information): is there a difference depending on whether the information is provided under a</p>	<p>Section 7 of the Law on the Access to Information (06.11.1998.) gives the definition of business secrets as information which when disclosed by the institution could harm the competitiveness of the person who submitted the information. The status of confidentiality can be attributed according to law by the institution or the person itself.</p>

<p>compulsory legal order or provided under informal co-operation?</p>	<p>According to Section 19 of Commercial Law a commercial secret comprises such things of an economic, technical or scientific nature associated with the undertaking of a merchant, and information which is recorded in writing or by other means, or is not recorded, which have an actual or potential financial or non-financial value, and which, by their coming into the disposition of another person, may cause losses to the merchant, and in relation to which a merchant has taken reasonable measures to preserve secrecy.</p> <p>There is no difference depending on whether the information is provided under a compulsory legal order or under informal co-operation.</p>
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9. Limitation periods and deadlines

<p>A. What is the limitation period (if any) from the date of the termination of the infringement by which the investigation / proceedings must begin or a decision in the merits of the case must be made?</p>	<p>There is no such time limitation provided in Competition Law. Also see the answer to the next question.</p>
<p>B. What is the deadline, statutory or otherwise (if any) for the completion of an investigation or to make a decision in the merits?</p>	<p>The decision on the merits must be made in six-month period from the date of initiation of the case. If there are objective factors, which do not allow to observe the six month period, investigation may be prolonged up to one year since the initiation of the case. If the particular case needs a long-drawn facts establishing process, the Council by a motivated decision may prolong the term of investigation up to two years from the moment of initiation.</p>
<p>C. What are the deadlines, statutory or otherwise (if any) to challenge the commencement or completion of an investigation or a decision regarding sanctions?</p>	<p>Decisions of the Competition Council can be appealed within one month from the day of the adoption of the decision.</p> <p>[The decisions on initiation of proceedings and prolongation of investigation cannot be appealed].</p>

10. Types of decisions

<p>A. Please list which types of decisions on the merits of the case can be made in cartel cases</p>	<p>The Council can make the following decision. If no infringement is found the Council makes a decision on termination of investigation of the matter. In case of infringement the Council adopts a decision establishing fact of infringement, imposition</p>
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under the laws listed under Section 1.	of legal obligations and pecuniary penalties.
B. Please list which types of decisions on the merits of the case can be made in hardcore cartel cases under the laws listed under Section 1 (if different from those listed under 10/A).	See point 10.A
C. Can interim measures⁷ be ordered during the proceedings in cartel cases? (if different measures for hardcore cartels please describe both⁸.) Which institution (the investigatory / the decision-making one) is authorised to take such decisions? What are the conditions for taking such a decision?	Decision on Interim measures can be adopted by the Council in cases concerning breach of EU competition law [Articles 101 and 102 of the TFEU]. According to the Competition Law of Latvia The Competition Council can adopt decision on interim adjustment when it has convincing evidence of possible infringement of Article 101 of the TFEU and failure to eradicate this infringement may cause significant, irreversible damage to competition. By interim measures the market participant is obliged to perform a particular action within the set time period or a particular action is prohibited.

11. Sanctions for procedural breaches (non-compliance with procedural obligations)⁹

A. Grounds for the imposition of procedural sanctions / fines:	Persons can be fined for refusal to supply information in the term and amount requested by the Council or for the supply of misleading information. Persons can also be fined for non-compliance with decisions of Competition Council and non-compliance with legal inquiries of the officials of the Council.
B. Type and nature of the sanction (civil, administrative, criminal, combined):	These are administrative sanctions
C. On whom can procedural sanctions be imposed?	Natural persons, legal entities

⁷ In some jurisdictions, in cases of urgency due to the risk of serious and irreparable damage to competition, either the investigator or the decision-making agency may order interim measures prior to taking a decision on the merits of the case [e.g.: by ordering the immediate termination of the infringement].

⁸ Only for agencies which answered “yes” to question 2.C. above

⁹ In some jurisdictions non-compliance with procedural obligations (e.g. late provision of requested information, false or incomplete provision of information, lack of notice, lack of disclosure, obstruction of justice, destruction of evidence, challenging the validity of documents authorizing investigative measures, etc.) can be sanctioned.

D. Criteria for determining the sanction / fine:	See point 11.A
E. Are there maximum and / or minimum sanctions / fines?	Natural persons can be fined up to 500 LVL (approx. 711 EUR) Legal entities can be fined minimum 50 LVL (approx.71 EUR) and maximum 10 000 LVL (approx. 14 229 EUR).

12. Sanctions on the merits of the case

A. Type and nature of sanctions in cartel cases (civil, administrative, criminal, combined): On whom can sanctions be imposed?	In cartel cases there are administrative sanctions which can be imposed on market participants [legal persons]. If the person falls under the definition of market participant it can be fined.
B. Criteria for determining the sanction / fine: [e.g.: gravity, duration of the violation, benefit gained from the violation]	The amount of the fine in each particular case depends on the gravity and duration of the infringement. Determining the gravity of the infringement the following factors are taken into account - the type of infringement; factual and potential consequences; role of each party involved in the infringement.
C. Are there maximum and / or minimum sanctions / fines?	The Council may fine market participants up to 5% from their net turnover of the last financial year, but not less than 250 LVL (approx.356 EUR) each. The Council may fine market participants which are competitors up to 10% from their net turnover of the last financial year but not less than 500 LVL (approx. 711 EUR) each.
D. Guideline(s) on calculation of fines:	Cabinet Regulation
E. Does a challenge to a decision imposing a sanction / fine have an automatic suspensory effect on that sanction / fine? If it is necessary to apply for suspension, what are the criteria?	The Competition Council decisions shall come into force upon notification thereof. An appeal against a decision shall not suspend the execution of the decision, except in the part thereof regarding the imposition of a fine.

13. Possibilities of appeal

A. Does your law provide for an appeal from a decision that there has been a violation of a prohibition of cartels? If yes, what are the grounds of appeal, such as questions of law or fact or breaches of procedural requirements?	Decisions of the Council can be appealed on the grounds that material or procedural norms or facts of the case are wrongly interpreted or applied.
B. Before which court or agency should such a challenge be made? [if the answer to question 13/A is affirmative]	Appeal can be lodged with the Regional Administrative Court.