



COMPETITION COUNCIL OF THE REPUBLIC OF LITHUANIA

**RESOLUTION
ON APPROVAL OF THE PROCEDURE FOR APPLICATION OF THE
MITIGATING CIRCUMSTANCE OF ACKNOWLEDGING AN INFRINGEMENT OF
THE LAW OF THE REPUBLIC OF LITHUANIA ON COMPETITION AND A
STIPULATED FINE DURING THE INVESTIGATION**

27 March 2017 No. 1S-32 (2017)

Vilnius

Referring to subparagraph 2 of paragraph 2 of Article 18 and paragraph 2 of Article 37 of the Law of the Republic of Lithuania on Competition, the Competition Council of the Republic of Lithuania resolves:

to approve the Procedure for Application of the Mitigating Circumstance of Acknowledging an Infringement of the Law of the Republic of Lithuania on Competition and a Stipulated Fine during the Investigation (enclosed).

Chairman

Šarūnas Keserauskas

APPROVED
by Resolution No. 1S-32 (2017) of the Competition
Council of the Republic of Lithuania,
dated 27 March 2017

**PROCEDURE FOR APPLICATION OF THE MITIGATING CIRCUMSTANCE OF
ACKNOWLEDGING AN INFRINGEMENT OF THE LAW OF THE REPUBLIC OF
LITHUANIA ON COMPETITION AND A STIPULATED FINE DURING THE
INVESTIGATION**

**CHAPTER I
GENERAL PROVISIONS**

1. The Procedure for Application of the Mitigating Circumstance of Acknowledging an Infringement of the Law of the Republic of Lithuania on Competition and a Stipulated Fine during the Investigation sets out the procedure of application of a mitigating circumstance provided for in paragraph 2 of Article 37 of the Law on Competition, according to which undertakings or public entities acknowledge an infringement and a stipulated fine by submitting a written statement of acknowledgment to the Competition Council during the investigation, thus enabling a more efficient investigation (hereinafter referred to as the Infringement and Fine Acknowledgement Procedure).

2. Terms used in the Infringement and Fine Acknowledgement Procedure correspond to the terms used in the Law on Competition.

3. Provisions of the Infringement and Fine Acknowledgement Procedure apply to undertakings and public entities, which submit to the Competition Council a written statement of acknowledgment, acknowledging an infringement and a stipulated fine, thus enabling a more efficient investigation.

**Chapter II
APPLICATION OF THE MITIGATING CIRCUMSTANCE OF ACKNOWLEDGING AN
INFRINGEMENT OF THE LAW OF THE REPUBLIC OF LITHUANIA ON
COMPETITION AND A STIPULATED FINE DURING THE INVESTIGATION**

4. Seeking application of the mitigating circumstance of acknowledging an infringement of the Law on Competition and a stipulated fine during the investigation, an undertaking or public entity shall voluntarily submit a written statement of acknowledgment to the Competition Council during the investigation (hereinafter referred to as the Statement of Acknowledgement).

5. The administrative staff of the Competition Council shall hold meetings and otherwise communicate with undertakings or public entities suspected of an infringement about submission of a Statement of Acknowledgement.

6. A Statement of Acknowledgement must indicate:

6.1. clear, unambiguous, and unconditional acknowledgment of participation in committing an alleged infringement and one's liability for such infringement;

6.2. key circumstances of the infringement and their assessment, including the character of the infringement, the infringement operation mechanism, the role of the undertaking or public entity suspected of the infringement, and the duration of the infringement;

6.3. the maximum amount of the fine proportionate to the alleged infringement, which the undertaking or public entity suspected of the infringement agrees to pay subject to the application of this mitigating circumstance to it.

7. The mitigating circumstance of acknowledging an infringement of the Law on Competition during the investigation and the stipulated fine can be applied only if it enables a more efficient investigation. The Competition Council shall assess the conditions for a more efficient investigation taking into account a real possibility to reduce its resources, the number of the undertakings or public entities suspected of the infringement, and how many of them intend to submit Statements of Acknowledgement, and other circumstances.

8. The undertaking or public entity that submitted a Statement of Acknowledgement shall be prohibited from disclosing the content of the Statement of Acknowledgement to undertakings or public entities suspected of the same infringement and other persons until the end of the investigation. If this prohibition is violated, the Competition Council shall have the right not to apply this mitigating circumstance.

9. The content of the Statement of Acknowledgement shall not be disclosed to other undertakings or public entities suspected of the same infringement and other persons until the end of the investigation.

10. The undertaking or public entity suspected of an infringement shall not have the right to withdraw a submitted Statement of Acknowledgement.

11. Upon completion of the investigation, Statements of Acknowledgement shall not be disclosed, except in cases set in paragraphs 8 and 9 of Article 21 of the Law on Competition.

12. The Competition Council, due to the application of the mitigating circumstance of acknowledging an infringement of the Law on Competition and the stipulated fine during the investigation, shall reduce the fine by 15 percent. The fine shall be calculated in accordance with Article 37 of the Law on Competition and the Description of the Procedure for Determining the Amount of Fines to be Imposed for Infringements of the Law of the Republic of Lithuania on Competition approved by Resolution No. 64 of the Government of the Republic of Lithuania, dated 18 January 2012.
