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Polish Competition Authority launches preliminary investigation into Juras' market practices

Decision

On 22 February 2023, the Polish Office of Competition and Consumer Protection (the Polish Competition Authority, 'UOKiK') reported the launch of a preliminary investigation into alleged anticompetitive agreements concluded by Jura Polska with its retailers.

Jura Polska is the exclusive Polish importer and wholesale distributor of Jura brand products, i.e. coffee machines and related accessories. UOKiK came into possession of information that Jura Polska and its distributors may have engaged in vertical price fixing and territorial restrictions. It allowed UOKiK to obtain a court warrant to search the undertakings' premises. UOKiK carried out a dawn raid and collected further evidence which is now being examined.

Possible next steps

The investigation is at a preliminary stage, which means that UOKiK is now assessing whether there are grounds to institute antimonopoly proceedings against Jura Polska. In light of UOKiK's recent decisional practice, if it decides to issue a statement of objections, it is likely that it will be addressed exclusively to Jura Polska, leaving out the company's distributors.

If UOKiK's investigation confirms that Jura Polska did conclude anticompetitive agreements, the company may be sanctioned with a fine of up to 10% of its turnover. Under Polish law, the company's executives may in parallel be held personally liable for the infringement. The maximum fine which may be imposed on an individual amounts to 2,000,000 PLN (approx. 417,000 EUR).

Leniency for vertical agreements

In the context of this investigation, UOKiK reminded undertakings of its leniency programme. The Polish leniency programme covers not only horizontal, but also vertical agreements. Both an undertaking and its managers may submit a leniency application to receive full or partial immunity. The applicants must provide relevant information and evidence, and fully cooperate with UOKiK. As a general rule, leniency applications filed after a dawn raid will

only lead to a fine reduction.