

Regulation of the Minister

Tallinn

No 7 17 January 2006

Statutes of the Competition Board

The regulation is established on the basis of subsection 42(1) of the Government of the Republic Act.

Chapter 1 GENERAL PROVISIONS

§1. Status of Competition Board

The Competition Board (hereinafter referred to as the „Board”) is a government agency, which operates within the area of government of the Ministry of Economic Affairs and Communications (hereinafter referred to as the „Ministry”), has a directing function, exercises state supervision and applies enforcement powers of the state and conducts pre-trial proceedings of offences on the bases and to the extent prescribed by law.

§2. Representation

In the performance of its duties the Board represents the state.

§3. Name of Board in Different Languages

The name of the Board is the following:

- 1) in English – Estonian Competition Board;
- 2) in French – Institut Estonien de la Concurrence;
- 3) in German – Estnische Wettbewerbsbehörde;
- 4) in Finnish – Viron Kilpailuvirasto;
- 5) in Russian – Департамент конкуренции Эстонии.

§4. Legislation Regulating Board Activities

The Board shall operate pursuant to the Republic of Estonia laws, requirements of international conventions and agreements to which the Republic of Estonia has acceded, regulations and orders of the Government of the Republic, regulations and

directives of the Minister of Economic Affairs and Communications (hereinafter referred to as the „Minister”) and these statutes, as well as the relevant regulations of other ministers.

§5. Accountability

(1) The Board shall be accountable to the Minister, who shall guide and co-ordinate its activities and exercise supervisory control over the Board pursuant to the procedure provided by legislation.

(2) The Board shall prepare and submit accounting and statistical reports pursuant to the procedure provided by legislation.

§6. Co-ordination of Board Activities and Co-operation

(1) The secretary general shall co-ordinate and organise the activities of the Board.

(2) The Board shall co-operate with the Internal Market Department and other departments of the Ministry.

§7. Budget of Board

(1) The expenses of the Board shall be covered from the state budget. The Minister shall approve and amend the budget of the Board as well as exercise control over budget execution.

(2) The Board has bank accounts within the group account of the State Treasury.

§8. Seal and Insignia of Board

The Board has a seal bearing the small national coat of arms and its name, as well as insignia registered in accordance with the established procedure.

§9. Preparation of Board Documents

(1) The letterhead, general form and security form of the Board bear the emblem registered by the State Chancellery.

(2) The permits, precepts and official reports issued by the Board are signed in accordance with authorisation provided by legislation.

(3) Other documents of the Board are prepared in accordance with the procedure provided by legislation or the operations procedure.

§10. Seat

The seat of the Board is in Tallinn. The postal address of the Board is Lõkke 4, 15184 Tallinn.

Chapter 2
AREA OF ACTIVITY, AIM AND MAIN FUNCTIONS OF BOARD

§11. Area of Activity of Board

The area of activity of the Board constitutes performance of the directing function and exercise of state supervision to the extent of the functions provided by law, application of enforcement powers of the state and conducting pre-trial proceedings of offences on the bases and to the extent prescribed by law in the field of supervision of competition.

§12. Aim of Board Activities

The aim of the activities of the Board is the implementation of state economic policy in the field of supervision of competition.

§13. Main Functions of Board

The main functions of the Board are the following:

- 1) to exercise state supervision over compliance with the requirements arising from legislation regulating the area of activity of the Board and if necessary, to apply enforcement powers of the state;
- 2) to participate in drafting legislation related to its area of activity and to put forward propositions to amend and supplement such legislation, including the improvement of the relevant terminology in Estonian;
- 3) to participate in the development of policies, strategies and development plans related to its area of activity; to prepare and implement projects related to its area of activity including participation in the preparation and implementation of international projects.

§14. Activities of Board in Performing its Main Functions

In order to perform its main functions, the Board shall:

- 1) co-operate with other government agencies, local governments, foundations, non-profit organisations, business and consumer organisations and the corresponding authorities of other countries and international organisations pursuant to the procedure prescribed by legislation;
- 2) subject to approval by the Ministry, represent the state in international organisations engaged in supervision of competition;
- 3) participate in fulfilling the obligations of the Republic of Estonia concerning its area of activity arising from international agreements;
- 4) prepare the draft budget of the Board and the report on the implementation of the budget for the previous year;
- 5) prepare and implement the strategy and work plans of the Board;
- 6) monitor and evaluate the situation in its area of activity in the light of achieving the aim and performing the main functions and notify the Internal Market Department of

- the Ministry thereof;
- 7) notify the general public and the stakeholders of the developments, changes and results achieved in its area of activity;
 - 8) settle complaints in its area of activity and participate in court proceedings within the limits of its competence;
 - 9) keep state registers assigned to it by legislation;
 - 10) issue activity licences, qualification certificates and other similar documents pursuant to the procedure prescribed by legislation;
 - 11) counsel other persons concerning the issues in its area of activity;
 - 12) perform other functions prescribed by legislation.

Chapter 3 BOARD STRUCTURE

§15. Structural Units

- (1) A department is the principal structural unit of the Board. A department may include divisions and bureaux.
- (2) The Minister shall approve the structure and staff of the Board on the proposal of the director general of the Board.

§ 16. Structure of Department and Obligations of Staff

- (1) The structure and functions of a department shall be established by the statutes of the department approved by the director general.
- (2) The obligations, rights and liability of staff shall be established by job descriptions approved by the director general.

§17. Management of Department

A department shall be directed by the head of the department or by an official appointed by the director general, who shall be responsible for performing the tasks of the department.

§18. Board Departments and Their Main Functions

- (1) The Board has the following departments:
 - 1) First Supervisory Department;
 - 2) Second Supervisory Department;
 - 3) Third Supervisory Department;
 - 4) Merger Control Department;
 - 5) External Relations and Information Department.
- (2) The tasks of the Supervisory Departments include pre-trial proceedings of offences concerning practices restricting competition (proceedings in matters of misdemeanours and pre-trial investigation of criminal offences) and defining goods markets, granting permission to conclude agreements which restrict competition, analysing the competitive situation, counselling undertakings, preparing draft

administrative acts including draft precepts of the director general and his or her deputy, exercising supervision over compliance with the precepts and executing other official duties assigned by the director general or his or her deputy.

(3) The tasks of the Merger Control Department include control of concentrations in all economic sectors, analysing the competitive situation, counselling undertakings, preparing draft administrative acts and other documents concerning concentrations, pre-trial proceedings of offences concerning concentrations (proceedings in matters of misdemeanours and pre-trial investigation of criminal offences), as well as executing other official duties assigned by the director general or his or her deputy.

(4) The tasks of the External Relations and Information Department include resolution of issues concerning the international relations of the Board, collection and dissemination of information, organisation of archiving, administration of information systems, training of officials, as well as executing other official duties assigned by the director general or his or her deputy.

Chapter 4 MANAGEMENT OF BOARD

§19. Management of Board

The Board is directed by the director general who is appointed to and released from office by the minister on the proposal of the secretary general. The deputy director general or an official appointed by the director general shall act as his or her substitute upon the absence of the director general.

§20. Obligations, Rights and Liability of Director General

The director general shall:

- 1) direct the work of the Board through his or her deputy and heads of departments, decide and arrange for the performance of tasks coming within the competence of the Board and be responsible for results of the activities of the Board; ensure lawful, accurate and timely implementation of the tasks of the Board and report to the Minister;
- 2) approve the statutes of the departments and other structural units, the operations procedure, internal procedure rules and other administrative documents of the Board, as well as staff salaries and job descriptions in accordance with legislation;
- 3) appoint to and release from office officials and other employees who are on the staff of the Board; conclude, amend and terminate employment contracts with the support staff of the Board;
- 4) implement an expedient internal control system in the Board;
- 5) appoint the person responsible for internal audit in the Board;
- 6) exercise supervisory control over the acts of the staff of the Board pursuant to the procedure provided by legislation, apply incentives and impose disciplinary punishments;
- 7) make proposals to the Minister concerning the budget of expenditure of the Board, ensure the accurate and purposeful implementation of the budget and purposeful use

- of state property;
- 8) represent the Board in other state agencies and organisations;
 - 9) issue administrative acts independently in accordance with legislation;
 - 10) make proposals to the Minister concerning organisation of work in the area of activity of the Board;
 - 11) establish the procedure for the use of the seal of the Board and ensure compliance therewith;
 - 12) establish working groups for resolving individual issues concerning the area of activity of the Board;
 - 13) participate in the proceedings in matters of misdemeanours concerning competition;
 - 14) approve the list of the positions the officials at which are competent to participate in misdemeanour proceedings in the name of the Board;
 - 15) participate in pre-trial investigation of criminal offences concerning competition in the capacity of the head of the investigation;
 - 16) grant authorisations for representing the Board;
 - 17) establish evaluation requirements for officials;
 - 18) have the right of first signature in bank and accounting documentation of the Board and appoint other officials with signing authority;
 - 19) perform other functions prescribed by law or other legislation.

§21. Directives of Director General

- (1) The director general of the Board shall issue service-related directives on the basis of law, regulations or orders of the Government of the Republic and regulations or directives of the Minister.
- (2) The director general of the Board may issue other written orders related to the internal operations of the Board.
- (3) The directives and other written orders of the director general of the Board shall be executed and registered in accordance with the operations procedure.

§22. Principal Obligations of Deputy Director General

The principal obligations of the deputy director general are the following:

- 1) acting as substitute for the director general in his or her absence;
- 2) representing the Board and granting authorisations for representing the Board;
- 3) issuing administrative acts and recommendations to state agencies, local governments, natural and legal persons when exercising state supervision;
- 4) proceedings in matters of misdemeanours concerning competition;
- 5) participating in pre-trial investigation of criminal offences concerning competition in the capacity of the head of the investigation.

Chapter 5 FINAL PROVISION

§23. Restructuring and termination

The Board shall be restructured and its activities shall be terminated pursuant to law.

Chapter 6
IMPLEMENTING PROVISIONS

§24. Repeal of Regulation

Regulation No 36 of the Minister of Economic Affairs and Communications of 12 February 2003 „Statutes of the Competition Board” (RTL 2003, 27, 405) is repealed.

§ 25. Entry into Force of Regulation

The regulation shall enter into force on 1 March 2006.

Edgar Savisaar

Minister

Marika Priske

Secretary General