

Austria

COMPETITION FRAMEWORK

Competition Law	<p>The Austrian Competition Act was enacted in 2002, amended in 2005, 2006, 2008, 2010, 2013, 2015, 2017.</p> <p>The Federal Cartel Act of Austria was enacted in 2005, amended 2008, 2012, 2013, 2017, 2019, 2021.</p> <p>The Federal Act against Unfair Competition of Austria was enacted in 1984, amended in 1988, 1992, 1993, 1994, 1999, 2000, 2001, 2006, 2007, 2013, 2015, 2016, 2018.</p> <p><i>[Please introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well.]</i></p>
Competition Authority	<p>Austrian Federal Competition Authority,</p> <p>Website: https://www.bwb.gv.at/en/</p> <p>The Federal Cartel Prosecutor of Austria.</p> <p>Website: https://www.justiz.gvat</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers.]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>Austria has one authority with a general mandate to enforce competition law infringements. The tasks of the Austrian Competition Authority arise out of both national law (mainly competition and antitrust law) and European competition law.</p> <p>To investigate and combat presumed or alleged distortions or restrictions of competition, Austrian Competition Authority is assigned the following tasks:</p> <ul style="list-style-type: none"> - Act as a party in procedures before the Cartel Court and the Supreme Cartel Court; - Apply European competition rules in Austria; - Conduct general investigations if there are substantial grounds for assuming distortions or restrictions of competition; - Provide assistance to the Cartel Court, the Supreme Cartel Court, courts and administrative authorities including regulatory authorities and the Federal Cartel Prosecutor; - Cooperate and exchange information with the above-mentioned courts and authorities, the European Commission and other national competition authorities; - Give opinions on economic policy issues ('competition advocacy') and legislative proposals in competition law; and - Application in accordance with the Local Supply Act. <p>In order to effectively ensure the accomplishment of its tasks, Austrian Competition Authority has the following powers:</p> <ul style="list-style-type: none"> - Request information from companies and associations of companies; - Access to business documents and records including the right to make copies and/or transcripts; - Carry out searches of business premises (after a warrant has been issued by the President of the Chamber of the Cartel Court) – if necessary with the help of public security officers
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	<p>– if there are substantial grounds for assuming severe violations of Antitrust Law or Articles 101 and 102 TFEU and to support the European Commission and Competition Authorities of the other EU Member States in their investigations, Sections 6 et seq. of the Austrian Broadcasting Corporation Act (ORF-Gesetz) attributes the following powers to Austrian Competition Authority:</p> <ul style="list-style-type: none"> - Act as a party in order to safeguard competition; and - File a complaint against a decision of the regulatory authority with the Austrian Administrative Court. <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers.]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>Energy, Electricity and Gas Sectors – E-Control</p> <p>As an independent regulatory authority, E-Control enables a cost-efficient, high-quality and secure energy system of the present and the future. To do this, it uses its tried-and-tested and legally transferred instruments, in particular monopoly regulation, market regulation and market surveillance.</p> <p>According to the Federal Act on the Regulatory Authority for Electricity and Gas (E-Control Act):</p> <p>E-Control undertakes investigations and provides expert opinions on the market and competition situation in the fields of electricity and gas (Section 21.2);</p> <p>E-Control executes the application and opinion rights bestowed on regulators by the Cartel Act 2005, FLG I no 61/2005 (Section 21.3);</p> <p>E-Control shall execute the tasks in the interest of establishing a competitive internal market for electricity and gas and a high degree of supply security (Section 23.2);</p> <p>Without prejudice to the competence of the general competition authorities, E-Control is entrusted with the following monitoring and supervisory duties in the fields of electricity and gas: 1. monitoring market players' compliance with all duties and obligations imposed upon them by the Electricity Act 2010, the Gas Act 2011, the Settlement Agencies Act, FLG I no 121/2000, the ordinances issued pursuant to this Act, and directly applicable EU law; 2. competition supervision of market players, particularly system operators, with a view to nondiscrimination; 3. supervision of unbundling; 4. monitoring of trade in wholesale energy products at national level and monitoring compliance with all duties and prohibitions imposed by Regulation (EU) No 1227/2011 (Section 24.1).</p> <p>Broadcasting and Telecommunications Sector – The Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR - Rundfunk & Telekom Regulierungs-GmbH)</p> <p>In providing operational support for the Telekom-Control-Commission, RTR is mainly responsible for the fields of site sharing, approvals of general terms and conditions of business, electronic signatures, frequency assignment procedures, competition regulation and statistical surveys.</p> <p>Based on the Austrian Telecommunications Act, the objective of this Act is to promote competition in the provision of communications networks and related services – including a sustainable and efficient infrastructure-based competition – and competition in the provision of communications services and related services (Section 1.2.1.).</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of</i></p>

	<i>competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i>
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	<p>Memorandum of Understanding between the Austrian Regulatory Authorities and the Austrian Competition Authority: This MoU, signed in June 2013, establishes a framework for cooperation and collaboration between the BWB and sector regulators in areas such as telecommunications, energy, postal services, and media;</p> <p>Protocol on Cooperation between the Austrian Energy Regulator (Energie-Control Austria) and the Austrian Competition Authority: This protocol outlines the cooperation and exchange of information between the BWB and the Energy Regulator regarding competition-related matters in the energy sector;</p> <p>Cooperation Agreement between the Austrian Communications Authority (RTR) and the Austrian Competition Authority: This agreement focuses on the cooperation, coordination, and exchange of relevant information between the BWB and the Communications Authority regarding competition issues in the telecommunications sector.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>

DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL

Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	No	<i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions.]</i>
Are disputes presented for decision to judiciary authorities?	Yes	<p>The Federal Competition Authority (FCA) and the Federal Cartel Attorney (FCAtt) – together referred to as the ‘official parties’ – and the Cartel Court (a section of the Vienna Higher Regional Court) are responsible for the public enforcement of competition law in Austria. The Cartel Court is empowered to issue binding decisions in substantive matters including fining decisions. In general, the Cartel Court’s decisions can be appealed to the Supreme Court (acting as Appellate Cartel Court).</p> <p><i>[If the answer to your question is “yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions.]</i></p>
Do private rights of action to challenge competition law infringements exist in your jurisdiction	Yes	<p>Individuals and companies in Austria have the ability to bring private enforcement actions to seek remedies for violations of competition law.</p> <p>Under Section § 37f Austrian Federal Cartel Act, individuals or businesses that have suffered harm as a result of anticompetitive conduct, such as cartels, abuse of dominant market positions, or other infringements of competition law, can file lawsuits seeking damages or other appropriate remedies. These private enforcement actions are typically based on the principles of tort law or unjust enrichment.</p> <p>Private enforcement actions in Austria can be brought before the civil courts, and the claimant bears the burden of proving the alleged competition law infringement and the resulting</p>

		<p>harm. Successful claimants may be awarded compensation for the actual damages suffered, including any loss of profit, as well as the reimbursement of legal costs and interest.</p> <p>Claimants may also seek injunctive relief, such as cease and desist orders, to prevent ongoing anticompetitive behavior. The Austrian legal system also allows for collective actions, where multiple claimants with similar claims can join together to pursue their rights collectively.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators

AUSTRIAN FEDERAL COMPETITION AUTHORITY

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.	Federal Cartel Act of Austria § 75. <i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Introduce the relevant provisions]</i>
		X	The executive has to report on an annual basis to the executive.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	Federal Cartel Act of Austria § 74. Federal Competition Act of Austria § 2, § 16. <i>[Introduce the relevant provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>

Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	✓	Decisions of the Competition Authority are subject to judicial review.	Federal Cartel Act of Austria § 38. The Cartel Court and the Supreme Cartel Court. <i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>[Aside from the relevant provisions, please mention the authority charged with the review.]</i>
		Other obligations/comments: <i>[Please introduce any other obligation or comment that you consider relevant.</i> <i>Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i>		
Independence	Please, answer "Yes" or "No"			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	Federal Competition Act of Austria § 6, § 7. <i>[Please introduce the relevant provisions, and if the answer to this question is "no", explain briefly why in your opinion the criteria are not clear or transparent.]</i>		
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is "yes", explain in which cases the executive can decide on public interest bases.]</i>		
Does the executive retain decision-making powers over the Competition Authority?	No	<i>[Please introduce the relevant provisions.]</i>		
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	Federal Cartel Act of Austria § 15 (Publication of Merger Decisions) and § 37 (Publication of Decisions). Federal Competition Act of Austria § 10b (Publications). <i>[Please introduce the relevant provisions.]</i>		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	n/a. <i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	§ 32 of Austrian Federal Cartel Act <i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>		
GOVERNANCE OF THE COMPETITION AUTHORITY				
Is the Competition Authority governed by a single chairman or by a collegiate body?	The Austrian Federal Competition Authority (<i>Bundeswettbewerbshörde</i> , "BWB") is governed by a collegiate body. The BWB is headed by a president (<i>Präsident</i>) and consists of several board members (<i>Mitglieder des Vorstands</i>), forming a collegial decision-making body.			

	<p>However, the exact number of board members can vary over time, as it depends on the organizational structure and any changes or appointments made by the Austrian government</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>		
How are the members of the Authority's directive organ chosen?	<p>Federal Competition Act of Austria § 16.</p> <p>The members of the Austrian Federal Competition Authority's (Bundeswettbewerbsbehörde, BWB) directive organ are appointed by the Federal Minister responsible for competition matters. The process of appointing members to the directive organ is guided by legal frameworks, regulations, or statutes. The Federal Minister may consider various factors when selecting individuals to serve in the directive organ, such as their qualifications, expertise in competition law, experience in relevant fields, and their commitment to promoting fair competition and consumer welfare.</p> <p><i>[Please describe the election process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>		
Is there a fixed period during which removal is prohibited?	No	<p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>	
Is the tenure of the heads renewable?	Yes	<p>Federal Competition Act of Austria § 7. (4.1).</p> <p><i>[Please introduce the relevant provisions]</i></p>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<p>Federal Competition Act of Austria § 7. (1):</p> <p>In order to be eligible to be appointed Director General, a person shall</p> <ol style="list-style-type: none"> 1. have adequate personal or professional qualifications to exercise the office, 2. have obtained a university degree in Law or Economics, and 3. have acquired at least five years of professional experience in competition law. <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i></p>	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<p><i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized.]</i></p>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	√	Concurrent consumer protection mandate.
		<i>[Answer with X/√ as it applies]</i>	
		X	Concurrent IP mandate.
		<i>[Answer with X/√ as it applies]</i>	
Other mandates: <i>[Include any other mandates entrusted to the Competition Authority]</i>			
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>The BWB has the powers to investigate cartels and other anti-competitive practices in Austria.</p>	

		<p>The BWB's authority covers a wide range of anti-competitive behaviors, including but not limited to:</p> <ol style="list-style-type: none"> 1. Price-fixing: Cartels that involve agreements among competitors to set prices or price levels, either directly or indirectly. 2. Market allocation: Cartels where competitors divide markets or customers among themselves to avoid competition in certain areas. 3. Bid-rigging: Cartels where competitors coordinate their bids in public procurement processes to manipulate outcomes. 4. Output restrictions: Cartels that aim to limit the production or supply of goods or services to drive prices up or restrict competition. 5. Collusive agreements: Any agreements or practices among competitors that distort competition, even if they do not fall strictly within the traditional definition of cartels. <p>Federal Cartel Act of Austria § 37(d): (1) The compensation for harm caused by an infringement of competition law shall also cover loss of profit. (2) Correspondingly applying § 1333 General Civil Code,¹³ the party liable to pay damages shall pay interest on the claim for damages from the moment the harm has occurred.</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>Under Section 16 of Federal Act Against Unfair Competition of Austria:</p> <p>(1) Anyone who, under this Act, is entitled to assert a claim for payment of damages may also demand damages for loss of profits.</p> <p>(2) The court may furthermore award a reasonable amount of money in compensation for injuries suffered or other personal disadvantages if the special circumstances of a case justify such award.</p> <p>Under Section § 37c of Federal Act Against Unfair Competition of Austria Section:</p> <p>(1) Who culpably commits an infringement of competition law shall be liable to compensate for the harm caused by the infringement.</p> <p>(2) It is presumed that a cartel between competitors causes harm. Such presumption may be rebutted.</p> <p>Right to full compensation</p> <p>§ 37d.: (1) The compensation for harm caused by an infringement of competition law shall also cover loss of profit.</p> <p>(2) Correspondingly applying § 1333 General Civil Code,¹³ the party liable to pay damages shall pay interest on the claim for damages from the moment the harm has occurred.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>Under the Federal Competition Act of Austria:</p> <p>The responsibility for ex-ante merger review in Austria lies with the Austrian Federal Competition Commission (Bundeskartellamt).</p>

		<p>The Austrian Federal Competition Commission is a separate authority from the BWB and is responsible for reviewing mergers and acquisitions that meet certain notification thresholds in Austria. It assesses whether proposed mergers could substantially lessen competition in the relevant markets and may impose conditions or block mergers that are deemed anti-competitive.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>Under the Federal Competition Act of Austria:</p> <p>If the BWB suspects that a merger may have led to anti-competitive consequences, it can initiate an ex-post investigation to examine the potential impact on competition in the relevant markets. The authority may collect information, review market data, and analyze the conduct of the merged entities to determine if any competition law violations have occurred.</p> <p>If the BWB finds evidence of anti-competitive behavior or adverse effects on competition resulting from the merger, it can take enforcement action. This includes imposing fines, ordering the divestiture of certain assets, or implementing other remedies to restore competition and protect consumer welfare.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>Austria follows a "suspensory effect" system for merger notifications. This means that parties cannot close a transaction before receiving the final decision from the Austrian Federal Competition Authority (Bundewettbewerbshörde, BWB) or the Austrian Federal Competition Commission (Bundeskartellamt), whichever is responsible for the review, if the transaction meets the notification thresholds.</p> <p>Under the Austrian Competition Act, mergers that meet certain turnover thresholds must be notified to the BWB or the Austrian Federal Competition Commission before they can be implemented. Once the notification is submitted, the transaction is subject to a waiting period during which the competition authority reviews the merger to assess its potential impact on competition.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>the Austrian Federal Competition Authority (Bundewettbewerbshörde, BWB) does not have explicit and comprehensive powers to conduct ex-post merger investigations on its own. The primary responsibility for ex-post merger control in Austria lies with the Austrian Cartel Court (Kartellgericht).</p> <p>Under the Federal Cartel Act of Austria, The Austrian Cartel Court is a specialized judicial body responsible for reviewing and assessing the legality of completed mergers and acquisitions that meet certain criteria. It can conduct ex-post merger reviews to determine whether a merger has resulted in anti-competitive effects or violated competition law.</p>

		<i>[Please mention relevant provisions]</i>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde, BWB) does not have the explicit power to impose remedies on its own in ex-post merger investigations. Instead, the authority responsible for imposing remedies in such cases is the Austrian Cartel Court (Kartellgericht).</p> <p>Under the Federal Cartel Act of Austria, if the Cartel Court finds that a merger has resulted in anti-competitive effects or violated competition law, it has the authority to impose remedies to address the identified issues.</p> <p>Remedies imposed by the Cartel Court may include:</p> <ol style="list-style-type: none"> 1. Divestiture of assets: The Court can require the divestiture of certain businesses or assets to restore competition in affected markets. 2. Licensing: The Court can order the licensing of certain technologies or intellectual property rights to other market participants to foster competition. 3. Behavioral remedies: The Court can impose specific behavioral restrictions or requirements on the merged entities to prevent anti-competitive conduct. 4. Prohibition or modification of agreements: The Court can prohibit or modify agreements or practices that harm competition. 5. Other measures: The Court has the discretion to impose other measures that are deemed necessary to address the competition concerns identified during the ex-post merger investigation. <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde, BWB) does have powers to conduct inspections and "dawn raids" at business premises as part of its investigative activities.</p> <p>Under the Federal Competition Act of Austria, dawn raids in premises can only be carried out by the Austrian Federal Competition Authority based on a search warrant issued by the Cartel Court (Higher Regional Court of Vienna). Requests by AFCA for dawn raids are examined by a single judge.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde - BWB) has the power to investigate cases <i>ex officio</i>, which means it can initiate investigations on its own without receiving a specific complaint or request from a third party.</p> <p>The BWB is responsible for enforcing Austrian competition law and ensuring fair competition in the market. It has the authority to investigate potential violations of competition law, such as anticompetitive agreements, abuse of dominant market positions, and mergers and acquisitions that might harm competition.</p> <p><i>Ex officio</i> investigations allow the BWB to take proactive measures to detect and address potential anticompetitive behavior even if no formal complaint has been filed.</p>

		<i>[Please mention the relevant provisions]</i>	
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Austria does have a leniency program, and the Austrian Federal Competition Authority (Bundeswettbewerbshörde - BWB) has the power to accept leniency applications from companies and individuals involved in anticompetitive practices.</p> <p>The leniency program in Austria is designed to encourage companies to self-report their participation in cartels or other anticompetitive agreements. When a company comes forward with a leniency application and provides valuable information and evidence about the cartel, the BWB may offer leniency or reduced penalties in return for their cooperation.</p> <p>The benefits of the leniency program in Austria can include:</p> <ol style="list-style-type: none"> 1. Immunity from fines: The first company to submit a leniency application and meet the relevant criteria may receive full immunity from fines, meaning they will not be penalized for their involvement in the cartel. 2. Reduced fines for subsequent applicants: Companies that provide valuable information after the first leniency applicant may receive a reduction in fines compared to what they would have received without cooperation. 3. Protection from criminal sanctions: The leniency program in Austria may also offer protection from criminal sanctions for individuals involved in the cartel. <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>	
Does the Competition Authority have powers to seek criminal punishment?	No	<i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[If the answer is yes, include relevant provisions]</i>	
Rulemaking			
Can the Competition Authority issue guidelines?	Non-Binding	√	Guidelines on the calculation of fines.
		<i>[Answer with X/√ as it applies]</i>	
		√	Guidelines on merger control.
		<i>[Answer with X/√ as it applies]</i>	
		√	Guidelines on the economic analysis of abuse of dominance cases.
		<i>[Answer with X/√ as it applies]</i>	
Can the Competition Authority issue binding regulation on competition?	Yes	<i>[Please, explain which kind of regulation and mention the relevant provisions]</i>	

		<i>provision on which the powers are based</i>
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	<i>[If the answer is "yes", include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>[If the answer is "yes", include relevant provisions]</i>
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	<p>The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde - BWB) has the power to make the decision to investigate potential violations of competition law and, if necessary, make findings of guilt.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
Does the Competition Authority impose punishments?	Yes	<p>The Austrian Federal Competition Authority (Bundeswettbewerbsbehörde - BWB), has the power to impose punishments or sanctions on companies and individuals found to have violated competition law. The BWB is responsible for enforcing Austrian competition law and ensuring fair competition in the market.</p> <p>When the BWB finds evidence of anticompetitive behavior or other violations, it can take several actions, including:</p> <p>Issuing infringement decisions: The BWB can issue infringement decisions, stating its findings that a company or individual has violated competition law. These decisions can include orders to cease anticompetitive behavior or apply remedies to restore competition.</p> <p>Imposing fines: The BWB has the authority to impose fines on companies and individuals found guilty of competition law violations. The fines can be significant and serve as a deterrent to future anticompetitive conduct.</p> <p>Recommending cases for prosecution: In some cases, the BWB may recommend cases to be prosecuted before a court, seeking legal rulings and potentially more severe penalties.</p> <p>Blocking mergers or acquisitions: The BWB can scrutinize mergers and acquisitions to assess their potential impact on competition. If a proposed deal is deemed to substantially lessen competition, the BWB may block the transaction or impose conditions to address the concerns.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	<p>Within the Competition Authority of Austria, there is a single body responsible for both conducting investigations and making findings of guilt or infringement decisions. This body is the Austrian Federal Competition Authority (Bundeswettbewerbsbehörde - BWB).</p> <p>The BWB is an independent administrative authority tasked with enforcing Austrian competition law and ensuring fair competition in the market. When the BWB suspects a violation of competition law, it has the authority to initiate investigations on its own (ex officio) or based on complaints received from third parties.</p> <p>During the investigation process, the BWB gathers</p>

		<p>evidence, conducts inquiries, and analyzes the conduct of the parties involved. If the BWB finds evidence of anticompetitive behavior or other violations, it can issue infringement decisions, which state its findings that a company or individual has violated competition law.</p> <p>In these infringement decisions, the BWB can impose fines, order companies to cease anticompetitive conduct, or apply other remedies to restore competition. The BWB's decisions are subject to appeal before the Cartel Court (Kartellgericht), which is an independent judicial body that reviews the BWB's decisions to ensure the correct application of competition law.</p> <p>By having a single body responsible for both investigation and findings of guilt, the process is streamlined and allows for efficient enforcement of competition law in Austria.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>Under the Federal Cartel Act of Austria, the decisions of the Austrian Federal Competition Authority (Bundeswettbewerbsbehörde - BWB) can be appealed to the Cartel Court (Kartellgericht). The Cartel Court is an independent judicial body responsible for reviewing and deciding on appeals related to competition law matters. The Cartel Court's decisions can further be subject to appeal before higher courts in the judicial system, depending on the applicable laws and procedures.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		