



**International
Competition
Network**

ANTI-CARTEL ENFORCEMENT TEMPLATE

**CARTELS WORKING GROUP
Subgroup 2: Enforcement Techniques**

Norway

date of update: 02.04.2009

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

<p>A. Law(s) covering cartels:</p>	<ul style="list-style-type: none"> • The Competition Act of 5 March 2004 No. 12 The Competition Act entered into force 1 May 2004. The Act is partly harmonized with EU competition rules and includes prohibitions against cartels and abuse of dominance. Some amendments in the Competition Act of 2004 entered into force 1 January 2005. Some further amendments entered into force 1 July 2008. Available in languages: Norwegian, English Homepage: www.kt.no • The EEA Competition Act of 5 March 2004 No. 11 Norway is a part of the European Economic Area (EEA) through its membership in EFTA. The EEA Competition Act of 2004 establishes competence for the Competition Authority to apply Articles 53 and 54 of the EEA Agreement. The Act entered into force 19 May 2005. Some amendments were made in the Act in December 2004. These amendments entered into force 1 July 2005. Available in languages: Norwegian, English Homepage: www.kt.no / www.eftasurv.int
<p>B. Implementing regulation(s) (if any):</p>	<p>Regulations concerning cartels, implementing the Competition Act :</p> <ul style="list-style-type: none"> • Regulation 23rd of April 2004 nr 651: Forskrift om

	<p>unntak for samarbeid mv. innen landbruk og fiske.</p> <ul style="list-style-type: none"> • Regulation 25th of June 2004 nr 987: Forskrift om unntak fra konkurranseloven for samarbeid mv. mellom visse grupper privatpraktiserende leger, psykologer og fysioterapeuter. • Regulation 17th of August 2004 nr 1194: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av forsknings- og utviklingsavtaler. • Regulation 17th of August 2004 nr 1195: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av spesialiseringsavtaler. • Regulation 17th of August 2004 nr 1196: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av vertikale avtaler og samordnet opptreden. • Regulation 17th of August 2004 nr 1197: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av vertikale avtaler og samordnet opptreden på motorvognsektoren. • Regulation 29th of April 2005 nr 367: Forskrift om unntak fra konkurranseloven §10 for samarbeid ved omsetning av bøker. • Regulation 4th of May 2005 nr 402: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av avtaler, beslutninger og samordnet opptreden på forsikringsområdet. • Regulation 22nd of August 2005 nr 909: Forskrift om utmåling og lempning av overtredelsesgebyr. • Regulation 22nd of December 2005 nr 1645: Forskrift om opplysningsplikt, bevissikring og behandling av overskuddsinformasjon i konkurransesaker. • Regulation 6th of July 2006 nr 0922: Forskrift om anvendelse av konkurranseloven § 10 tredje ledd på grupper av teknologioverføringsavtaler. • Regulation 19th of December 2008 nr 1442: Forskrift om mellombels unntak fra konkurranselova for avtaler om klinisk veterinæravt. <p>Regulations concerning cartels, implementing the EEA Competition Act :</p> <ul style="list-style-type: none"> • Regulation 4th of December 1992 nr 964: Forskrift om materielle konkurranseregler i EØS-avtalen. <p>Regulation 4th of December 1992 nr 966: Forskrift om prosessuelle konkurranseregler i EØS-avtalen m.v.</p>
<p>C. Interpretative guideline(s) (if any):</p>	
<p>D. Other relevant materials (if any):</p>	<p>Decisions of the Norwegian Competition Authority (NCA) www.kt.no</p> <p>Languages: Norwegian, some summaries in English</p> <p>Court Decisions: http://www.lovdato.no</p>

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>The term is not explicitly used.</p> <p>Cartel is described as all agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition, and in particular those which:</p> <p>(a) directly or indirectly fix purchase or selling prices or any trading conditions;</p> <p>(b) limit or control production, markets, technical development, or investment;</p> <p>(c) share markets or sources of supply;</p> <p>(d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;</p> <p>(e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.</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>Not explicitly, but the Act’s section 30 concerning penal provisions states that if an infringement of Section 10 (a.o. cartels) is made under severely aggravating circumstances, imprisonment of up to six years may be imposed. When deciding whether severely aggravating circumstances exist, factors such as whether there was an attempt to conceal the infringement, whether significant monetary damage occurred, whether considerable financial advantages were obtained, and the severity of the infringement in general, must be considered</p>
<p>C. Scope of the prohibition of hardcore cartels:</p>	<p>As mentioned above the rules and regulations in the EEA, which mirror those of the EC Treaty, have been implemented into Norwegian legislation through special Acts and regulations. The scope of the prohibitions therefore also mirrors the prohibitions of the EC-legislation.</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</p>	<p>A combination of these. Cartels may alternatively be sanctioned with a civil/administrative fine under Section 29 of the Act or fines or imprisonment under Section 30 of the Act.</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.

criminal offence, or a combination of these?	
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3. Investigating institution(s)

A. Name of the agency, which investigates cartels:	The Norwegian Competition Authority (NCA)
B. Contact details of the agency: [address, telephone and fax including the country code, email, website address and languages available on the website]	The Norwegian Competition Authority Postal address: P.O.Box 439, Sentrum 5805 Bergen Norway Telephone.: +47 55 59 75 00 Fax.: +47 55 59 75 99 www.kt.no Languages: Norwegian, English
C. Information point for potential complainants:	NCA
D. Contact point where complaints can be lodged:	NCA
E. Are there other authorities which may assist the investigating agency? If yes, please name the authorities and the type of assistance they provide.	The forensic teams from the police usually assists in securing the electronically stored data.

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

B. Contact details of the agency:	See point 3/B. above.
C. Contact point for questions and consultations:	See point 3/B. above.
D. Describe the role of the investigating agency in the process leading to the sanctioning of the cartel conduct.	The investigators of the NCA are responsible for the investigation of the case. They can use the investigatory powers indicated in the Act's chapter 6 during the investigations. After completing the investigation, a report is prepared for evaluation in an internal "Decision Council" in the NCA. The DC gives advice to the NCAs GD on how to sanction the case. Chapter 7 in the Competition Act grants the NCA authorization to pass sanctions.
E. What is the role of the investigating agency if cartel cases belong under criminal proceedings?	See point 4D, the case is sent to Økokrim (who prosecutes serious economic fraud).

5. Handling complaints and initiation of proceedings

A. Basis for initiating investigations in cartel cases: [complaint, ex officio, leniency application, notification, etc.]	Investigations are normally initiated by complaints or ex officio. The leniency provisions are new in the Act of 2004. It has so far only been a few enquiries about this possibility.
B. Are complaints required to be made in a specific form (e.g. by phone, in writing, on a form, etc.)?	No formal criteria are required. However, it facilitates the investigation if the complainant details and exactly determines the injurious activity, mentions that according to its opinion why and how this activity goes against the Competition Act.
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?]	No specific requirements
D. Is the investigating agency obliged to take action on each complaint that it receives or does it have discretion in this respect?	The NCA may order undertakings or associations of undertakings that are in violation of the prohibition sections to bring the infringement to an end. The NCA must provide its reasoning when rejecting a request to issue such an order. Rejections may be appealed to the Ministry.
E. If the agency intends not to pursue a complaint, is it	If the NCA has received a formal complaint, but decides not to give priority to further investigation, it must issue a reasoned

required to adopt a decision addressed to the complainant explaining its reasons?	decision explaining why the complaint is rejected. The decision may be appealed to the Ministry of Government Administration and Reform.
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?	No specific time limit, but Section 11a of the Public Administration Act states that all cases shall be prepared and decided without delay that cannot be justified.

6. Leniency policy³

A. What is the official name of your leniency policy (if any)? [Please indicate its public availability.]	No official name - see section 31 of the Act. The Regulation regarding leniency is: Forskrift om utmåling og lempning av overtredelsesgebyr. See; http://www.lovdata.no/cgi-wifi/ldles?doc=/sf/sf/sf-lov50822-0909.html
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 both full leniency (immunity from fines) and partial leniency (reduction of fines).
C. Who is eligible for full leniency?	The NCA may grant an undertaking full leniency from any fine which may be imposed, if the undertaking is the first to submit information and evidence about a cartel hitherto unknown to the NCA and cooperates completely with the NCA.
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	Yes, these circumstances are important, as it is indicated above, in point C.

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)?	Undertakings.
F. What are the conditions of availability of full leniency:	See point 6/C
G. What are the conditions of availability of partial leniency (such as reduction of sanction / fine / imprisonment):	<p>Partial leniency can be granted before or after the initiation of the proceedings.</p> <p>The condition for granting partial leniency is that the undertaking assists with evidence that considerably improve the NCA's possibility to prove violation of Section 10 (agreements between undertakings that restrict competition) of the Act and the undertaking in question must cease its activities latest from the time the evidence is provided.</p>
H. Obligations for the beneficiary after the leniency application has been accepted:	Both immunity and leniency applicants have to end their involvement in the cartel following the submission of evidence, no later than the time agreed to with the NCA. Moreover they have to co-operate fully, on a continuous basis throughout the procedure, with the NCA and provided the NCA with all the evidence and information in its possession without altering the content thereof.
I. Are there formal requirements to make a leniency application?	No specific formal requirements, but the applicants must come forward with the necessary proof, both documents and allegations. This will for all practical and formal purposes be in writing.
J. Are there distinct procedural steps within the leniency program?	First, the NCA will provide a written acknowledgement of receipt of the application confirming the exact date (year, month, day, hour, minute). The undertaking will as soon as possible be informed about the NCA's decision about granting leniency.
K. At which time during the application process is the applicant given certainty with respect to its eligibility for leniency, and how is this done?	See Point 6/J.
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?	The NCA grants leniency on the basis of a formal decision in accordance with the section 31 of the Act and the provisions for leniency, adopted 22 August 2005.
M. Does your legislation have a marker system? If yes, please describe it.	No, there is no marker system.

N. Does the system provide for any extra credit⁴ for disclosing additional violations?	No.
O. Is the agency required to keep the identity of the beneficiary confidential? If yes, please elaborate.	Throughout the competition supervision proceedings, the NCA will assure the secrecy of the identity of the co-operating undertaking and the fact of its co-operation.
P. Is there a possibility of appealing an agency's decision rejecting a leniency application?	No.
Q. Contact point where a leniency application can be lodged:	See NCA's contact address above.
R. Does the policy address the possibility of leniency being revoked? If yes, describe the circumstances where revocation would occur. Can an appeal be made against a decision to revoke leniency?	The final decision about granting partial or full leniency is made in the decision on the merits of the case and it cannot be revoked.
S. Does your policy allow for "affirmative leniency", that is the possibility of the agency approaching potential leniency applicants?	It is possible for the NCA to approach potential leniency applicants, but it is not very common.

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

A. Briefly describe the investigative measures available to the enforcing agency such as requests for information, searches/raids⁶, electronic or computer	<p>The NCA has extensive investigating powers, see Section 24 and 25 of the Act.</p> <p>According to Section 24, everyone must provide the competition authorities with the information these authorities require to perform their responsibilities under the Act or to meet Norway's obligations under agreements with foreign states or international organizations. Such information may be required</p>
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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.

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>searches, expert opinion, etc. and indicate whether such measures requires a court warrant.</p>	<p>in written or oral form within a specified time limit, by individual undertakings or groups of undertakings, and may be recorded and retained as audio recordings.</p> <p>The competition authorities are entitled to require any type of information and access to sources of such information for examination on the same conditions as set forth in the first paragraph.</p> <p>Section 24 applies even if a decision to secure evidence under Section 25 has not been made.</p> <p>Section 25, securing evidence, says:</p> <p>In seeking evidence, the Competition Authority may, when there are reasonable grounds to assume that the Act or decisions under the Act have been infringed, or when necessary to meet Norway's obligations under agreements with foreign states or international organizations,</p> <p>(a) demand access to premises, land, means of transport, and other places of keeping where evidence of infringement may be found;</p> <p>(b) demand access to homes if there are special reasons to assume that evidence may be kept there;</p> <p>(c) confiscate items that may have significance as evidence for further examination; and</p> <p>(d) seal business premises, books, or business documents for the duration of the investigation and as long as deemed necessary.</p> <p>Applications for authorisation to secure evidence must be submitted by the Competition Authority to the court in the jurisdiction where it is most practical to do so. An appeal of the decision has no postponing effect.</p> <p>The Competition Authority may demand police assistance to implement the securing of evidence.</p> <p>Where there is no time to await court authorisation, the Competition Authority may demand that the police seal off areas where evidence may be located until the court's decision is available.</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>Yes, see details in point 7/A.</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>See regulation 22nd of December 2005 nr 1645: Forskrift om opplysningsplikt, bevissikring og behandling av overskuddsinformasjon i konkurransesaker.</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>In some cases the scope of the search, specifically when seizing electronically stored information, has been challenged.</p>
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8. Procedural rights of businesses / individuals

<p>A. Key rights of defence in cartel cases:</p>	<p>According to the Competition Act Section 27, undertakings and individuals under investigation by the NCA for violation of the Competition Act, are to be allowed access to case documents upon request, provided such access results in no harm or risk to the investigation or to third parties. Section 19 of the Public Administration Act applies correspondingly.</p> <p>If a request for access is denied, the issue may be brought before a court for decision. If an investigation encompasses several undertakings or individuals, the right to access does not apply to documents pertaining only to other undertakings or individuals.</p> <p>There are no limitation with respect to the defendant's right to respond orally or in writing in a cartel case, neither to legal representation before the enforcing authority.</p>
<p>B. Protection awarded to business secrets (competitively sensitive information): is there a difference depending on whether the information is provided under a compulsory legal order or provided under informal co-operation?</p>	<p>There is no difference between business secrets on the basis of their way of collection.</p>

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>Administrative fines cannot be imposed by the NCA after ten years for violations of Sections 10 or 11 of the Act. The statutory limitation period for other violations is five years. Such time limits are suspended once the Competition Authority takes steps to secure evidence under Section 25 of the Act or informs an undertaking that it is suspected of violating the Act or decisions made pursuant to the Act. (ref Section 29)</p>
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B. What is the deadline, statutory or otherwise (if any) for the completion of an investigation or to make a decision in the merits?	See A
C. What are the deadlines, statutory or otherwise (if any) to challenge the commencement or completion of an investigation or a decision regarding sanctions?	NA

10. Types of decisions

A. Please list which types of decisions on the merits of the case can be made in cartel cases under the laws listed under Section 1.	<p>The NCA, in its decision,</p> <ul style="list-style-type: none"> a) may establish that the conduct is unlawful, b) may order a situation violating the Act to be eliminated, c) may prohibit the continuation of the conduct which violates the provisions of the Act, d) may order periodic penalty payments, according to Section 28 of the Act, e) may order administrative fines, according to Section 29 of the Act, f) may send the case for criminal proceedings, see Section 30 of the Act, g) may terminate the case if its continuation is deemed unnecessary or where it is established, that in the absence of any violation the defending party cannot be found liable.
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).	The same decisions - see 10/A.
C. Can interim measures⁷ be ordered during the proceedings in cartel cases? (if different measures for hardcore	<p>Interim measures can be ordered by the NCA.</p> <p>The NCA may prohibit in its decision made on the interim measure the continuation of the illegal conduct or order the elimination of the unlawful situation, where prompt action is required for the protection of the legal or economic interests of</p>

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].

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?	the interested persons or because the formation, development or continuation of economic competition is threatened.
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11. Sanctions for procedural breaches (non-compliance with procedural obligations)⁹

A. Grounds for the imposition of procedural sanctions / fines:	A disciplinary fine may be imposed on the party or other persons participating in the proceedings if they engage in an act or display behaviour which is aimed at protracting the proceedings or preventing the disclosure of facts, or which has such an effect. The Criminal Code penalises false perjury made in administrative procedures.
B. Type and nature of the sanction (civil, administrative, criminal, combined):	Administrative and criminal.
C. On whom can procedural sanctions be imposed?	On the party (undertaking) or other persons participating in the proceedings.
D. Criteria for determining the sanction / fine:	See above (11/A).
E. Are there maximum and / or minimum sanctions / fines?	For criminal sanctions, see Section 30 of the Act: Fines or imprisonment of up to three years may be imposed on anyone who intentionally or through gross negligence: (a) infringes Sections 10, 18 (first paragraph), or 19 (first paragraph); (b) infringes decisions made pursuant to Sections 12, 16, or 19 (third paragraph); (c) fails to comply with orders pursuant to Section 24 or Section 25; (d) provides incorrect or incomplete information to the competition authorities; (e) breaks seals made pursuant to Section 25; or

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.

	<p>(f) infringes a regulation adopted pursuant to Section 14.</p> <p>If an infringement of Section 10 is made under severely aggravating circumstances, imprisonment of up to six years may be imposed. When deciding whether severely aggravating circumstances exist, factors such as whether there was an attempt to conceal the infringement, whether significant monetary damage occurred, whether considerable financial advantages were obtained, and the severity of the infringement in general, must be considered.</p> <p>For administrative fines, see Section 29 of the Competition Act and the regulation on administrative fines and leniency adopted on 22 August 2005. Fines are set until 10 % of the undertakings turnover.</p> <p>For periodic penalty payments, see Section 28 of the Act.</p>
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12. Sanctions on the merits of the case

<p>A. Type and nature of sanctions in cartel cases (civil, administrative, criminal, combined):</p> <p>On whom can sanctions be imposed?</p>	<p>Administrative and criminal, see point 11 E.</p>
<p>B. Criteria for determining the sanction / fine:</p>	<p>The amount of the fine is established with all the relevant facts of the case taken into account, in particular the gravity of the violation, the duration of the unlawful situation, the benefit gained by the infringement the market positions of the parties violating the law, the imputability of the conduct, the effective co-operation by the undertaking during the proceedings and the repeated display of unlawful conduct. The gravity of the violation shall be established, in particular, on the basis of the threat to economic competition and the range and extent of harm to the interests of consumers.</p>
<p>C. Are there maximum and / or minimum sanctions / fines?</p>	<p>The maximum administrative fine is ten per cent of the undertaking's net turnover in the preceding business year. The maximum fine imposed on social organisations of undertakings public corporations, associations or other similar organisations shall be ten per cent of the total of the net turnover in the preceding business year of the undertakings which are members of them.</p>
<p>D. Guideline(s) on calculation of fines: [name and reference number, availability (homepage address) and indication of the languages in which these materials are available]</p>	<p>Guidelines following the regulation adopted 22 August 2005.</p>

<p>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?</p>	<p>An undertaking may be subject to administrative fines. Decisions as to administrative fines may not be appealed. Administrative fines fall due for payment two months after the decision is made. Decisions on administrative fines are basis for distraint. If the undertaking brings action against the State to contest the decision, the basis for enforcement is suspended. The court may try all aspects of the matter. The Civil Litigation Act pertains insofar as relevant.</p> <p>The NCA may impose on a subject of its decision, periodic penalty payments to the State until the situation has been rectified. The NCA decides when such penalty payments begin to accrue. The NCA can partially or completely waive its demand for periodic penalty payments. Decision on periodic penalty payments may be appealed, but an appeal would have no suspensory effects on the periodic penalty payments.</p>
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13. Possibilities of appeal

<p>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?</p>	<p>The undertaking in question may bring action against the State to contest the decision of administrative fines. The court may try all aspects of the matter. The Civil Litigation Act pertains insofar as relevant.</p>
<p>B. Before which court or agency should such a challenge be made? [if the answer to question 13/A is affirmative]</p>	<p>District- or city court.</p>