

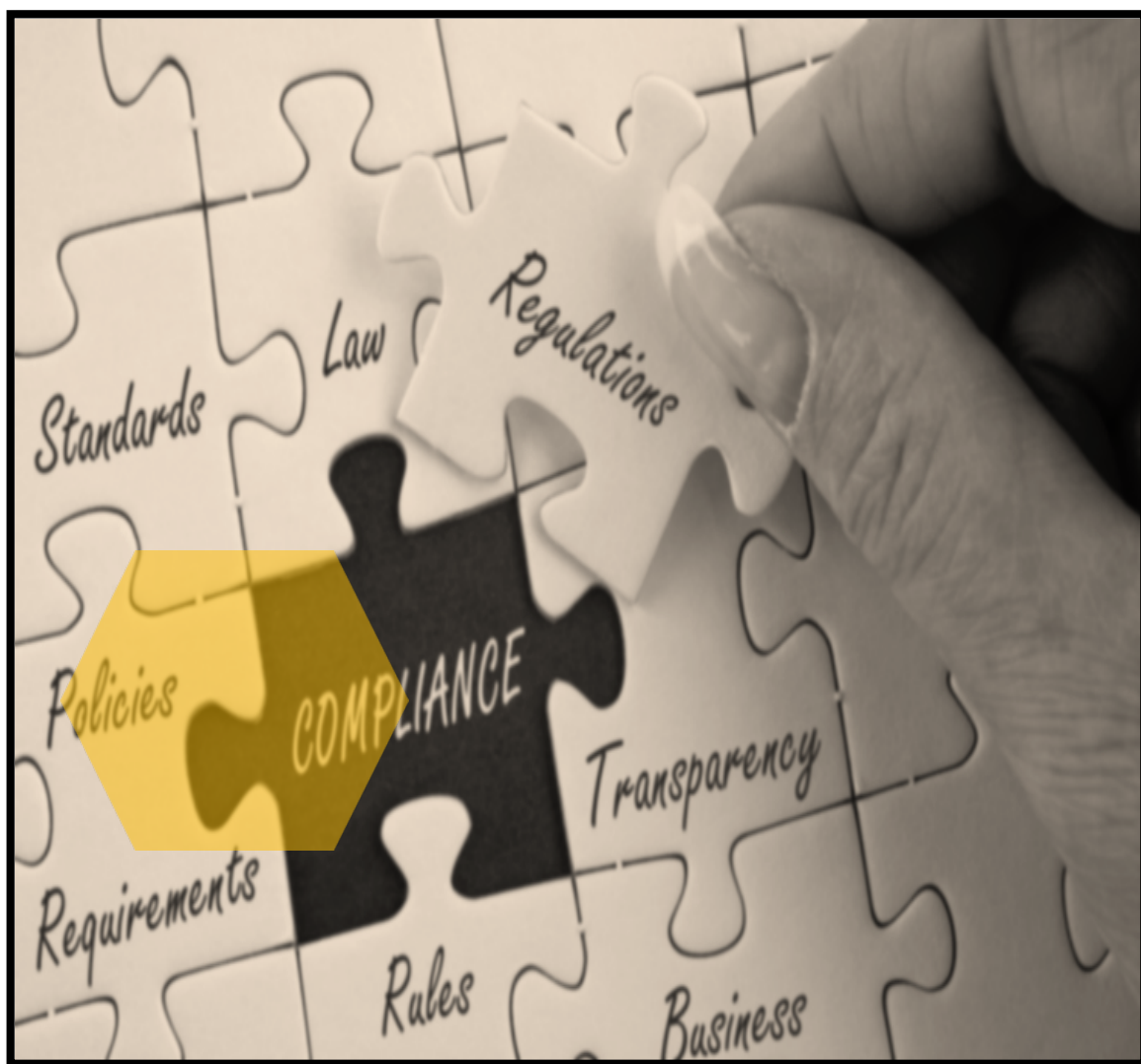


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TWINNING PROJECT: DEVELOPING SOUND COOPERATION FOR FREE AND EFFECTIVE COMPETITION!



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Chapter 2. Activity

1.4: Drafting of normative acts (secondary legal normative acts) on competition (regulations and guidelines).

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Preparation and publication of a commentary of the Law no. 9121 date 28.7.2003 amended by Law no. 10317, dated 16.09.2010 "On protection of competition" based on the European best practices

Chapter 4. Activity 1.6

Improvement on the methodology and techniques of legal approximation of the national law with the EU Acquis of ACA' staff:

Chapter 1. ADOPTING DIGITAL TOOLS FOR ONLINE CAPACITY SESSIONS MANAGEMENT



Due to the measures taken not only by the Member State (Spain) and the Beneficiary Country (Albania), but all the European Countries, in their fight against COVID-19 crisis, which entail the restriction of the freedom of movement for individuals and the cancellation of all the regular commercial flights among the aforementioned countries, being highly likely to be in force in the short and medium term, it would be not

possible for the STEs in charge of the missions' implementation to commute to Tirana for such purpose.

Therefore, the Beneficiary Institution and the MS Institution has agreed to set up an e-learning strategy by choosing Moodle platform for the implementation of remaining activities. Developed in 2002 this tool originated as a platform to provide educators with the technology to provide online learning in personalized environments, that foster interaction, inquiry, and collaboration.

Based on its complete range of built-in features (including collaborative tools such as forums, chats, short-video explanations, power point presentations, etc.), the twinning team decided to propose this kind of e-learning platform, due to its powerful set of learner-centric tools and collaborative learning environments that empower both teaching and learning.

Above all, this platform allows a fully alignment with safety measures adopted in the fight of COVID-19, since the usage of this e-learning modality prevents both CNMC and ACA's staff from indoor people gatherings.

The moodle software and technical support thereof is provided by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP), the management unit of the Project.





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Chapter 2. Activity 1.4 Drafting of normative acts (secondary legal normative acts) on competition (regulations and guidelines)

In EU system, there are detailed enforcement procedures which ensure that the parties can fully defend themselves and have a high level of procedural guarantees at every step of the investigations. In accordance to these fundamental procedural rights, the Authorities must set an internal and external procedural package to ensure a sound outcome in its cases. Procedures also provide the Authorities with effective tools for the enforcement of the competition rules.



The threefold goal of second mission of the aforementioned activity, which took place from 11 to 15 May, was to: a) analyze the current procedural system in Albania for antitrust proceedings, taking into consideration the regulations, guidelines and templates the ACA already has; b) Prepare a draft proposal of guidelines for leniency with the aim of having a common and standardized approach so that the parties engaging in

proceedings with the authority are aware of their standards; c) Verify that the current Albanian Regulation for the termination of antitrust proceedings following the adoption of commitments is in line with the EU legislation.

The expert involved in the implementation of this activity were Ms. Adriana Mejjide Vidal and Ms. Bárbara Navas Vallterra. Ms. Adriana Mejjide Vidal is very familiar with ACA since she has collaborated in two previous missions in Albania. She is a Case Handler at the Industry and Energy Division. She holds a degree in Law and has participated in working groups of the European Competition Network (ECN), International Competition Network (ICN), where CNMC co-chairs the working group. She has been the CNMC representative in Regulatel (Latin America forum for telecommunications Regulators) as the liaison with the EU and BEREC (The Body of European Regulators for Electronic Communications).

Ms. Bárbara Navas Vallterra is a Chief case handler at the Cartel and Leniency Division, she holds a Degree in Law and is specialized in Leniency programme, cartel, senior inspector, bid rigging cases, inspections, and handle of proceedings. Ms. Navas Vallterra has been part of DGCOMP Advisory Committees (antitrust/mergers).





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Chapter 3. Activity 1.2 (Second Mission) **Preparation and publication of a commentary of the Albanian Law on Competition based on the European best practices.**

The abovementioned activity was divided in two missions. The first one, conducted in February 2020, was focused on analyzing selected articles concerning substantial aspects of the Albanian Competition Law expressly specified by the Albanian Competition Authority. The second mission, which took place from 18th to 22nd of May and as agreed with the Authority, addressed selected articles of the law which relate to procedural issues.



The final goal of the activity consists on providing the ACA with a commentary model of the law in the light of EU competition case law, which may be completed in the future with additional articles and national case law in order to improve the implementation and application of such regulation. As next

steps to be carried out, the commentary prepared by the experts shall be completed and further developed with Albanian Case Law and legal doctrine in order to obtain a more detailed legal document, which will enhance ACA's capacities to successfully implement and apply antitrust regulation.

The experts who carried out the abovementioned activity were Ms. Ana Viejo González and Ms. Beatriz Moral del Valle. Ms. Ana Viejo González is an Economist at the Chief Economic Advisor Office of the CNMC. She has a wide experience on calculation of proposed and final fines (all cases at CNMC) and replying to companies' Complaints during judicial review. Ms. Viejo González is well introduced to economic analysis in competition cases (investigation and judicial review): agreements in publishing industry, cartels (postal sector, paper and cardboard industry, cable manufacturing). Among other work records of Ms. Ana Viejo González : analysis of recalculated fines after Supreme Court sentence. She holds a Degree in Law and Economics. Ms. Beatriz Moral del Valle is a case Handler at the CNMC Services Division. She holds Degree in Law, Degree in Politic Sciences, Degree in Eastern Asia Studies and a Degree in English Studies. Ms. Del Valle is an expert in Mergers & Antitrust Services Sector (sports, funerals, distribution, franchises, e-commerce) and she is a specialist in vertical restrains. This activity was developed through videoconferences and distance working.





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Chapter 4. Activity 1.6 Improvement on the methodology and techniques of legal approximation of the national law with the EU Acquis of ACA' staff.

The aim of this activity carried out from 26th -28th of May, has been to provide methodologies and techniques of legal approximation of the national law with the EU Acquis, especially, the case law of EU Courts. Training was firstly designed to be given on-site in the venue of the Albanian competition authority but it was adapted to an online



training due to the restrictions because of the Covid-19. Thus experts gave the training using the Moodle platform. First session was focused on taking advantage of tools and databases provided by EU institutions, such as, the official journal, curia website and Eur-lex. Experts made available for alumni videos explaining and managing the databases. They gave tips on how to create a system to keep updated with case-law of the EU Courts using those public tools. Academic articles and

presentations about the different procedures of EU Courts were also provided. A forum for discussion let the experts contact with the alumni. Second session analyzed a particular legal concept with the aim of making use of the tools and databases provided the day before. Experts chose parental liability as legal concept since alumni had shown interest in this topic in previous activities.

STEs gave an online lecture about the topic and encouraged to search the cases that were mentioned using the tools and databases learned the day before. Academic articles and presentations were also shared with the alumni. A brief case study with questions and answers was designed for the last day in order to reinforce the lessons learned. Answers were given to alumni in order to solve doubts and discuss thereof.

The experts involved in the abovementioned activity were: Mr. Arturo Carrillo Parra and Mr. Mr. Adrián Sánchez Andrés. Mr. Arturo Carrillo Parra holds a Degree in Law and Business Administration and his expertise is mainly concentrated on Antitrust, sanctions, litigation, public procurement, continuity principle etc. Currently Mr. Carrillo Parra is a Legal Advisor at the CNMC. Mr. Adrián Sánchez Andrés as well is a Legal Advisor specialized in Confidential information and litigation. Mr. Adrián Sánchez Andrés holds a Degree in Law and Political Sciences and Public Administration.

