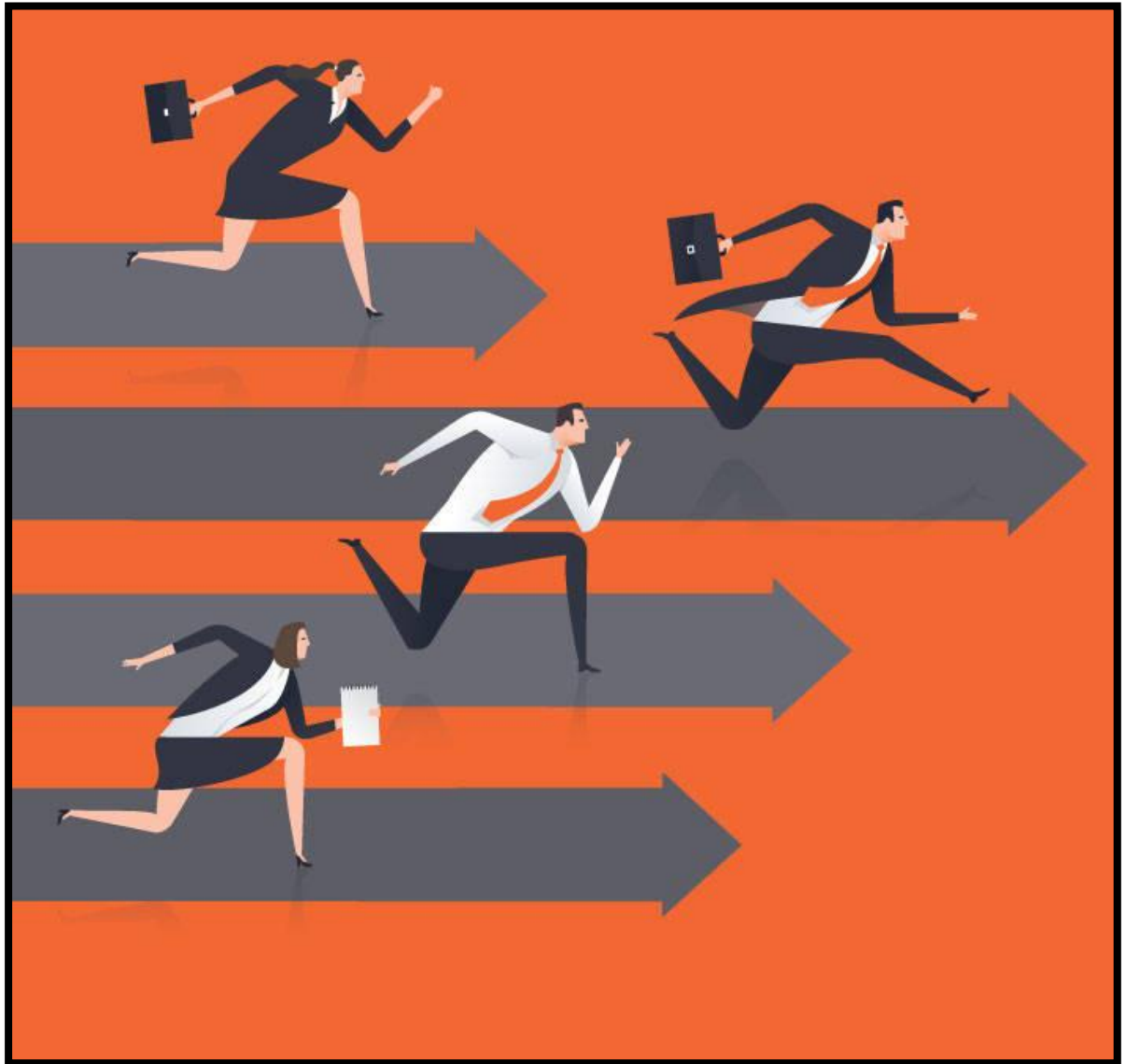




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Twinning Project: Developing Sound Cooperation for free and effective competition!



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Chapter 1. Activity 2.5 (First Mission)

Seminar on methodologies used in analyzing abuse of dominant position in exclusive rights cases

Chapter 2. Activity 3.4 (Second Mission)

Awareness activities organized with respect to the ACA mission activities and raise awareness on the recent development of competition

Chapter 3. Activity 3.3

Improved capacity of relevant public institutions in handling competition issues. Increased cooperation with the court system regarding the juridical review of ACA decisions and private claims

Chapter 4. Activity 2.3

Strengthening ACA staff capacities in the best practices and the recent methodologies used by EU Competition Authorities with regard to General Data Protection Regulation (GDPR)

Chapter 1. Activity 2.5 First Mission SEMINAR ON METHODOLOGIES USED IN ANALYZING ABUSE OF DOMINANT POSITION IN EXCLUSIVE RIGHTS CASES



The activity which took place via Moodle platform, was held from 1st to 5th June 2020. The goal of this seminar was to build the capacity of the Albanian Competition Authority (ACA) in analyzing abuse of dominant position in exclusive rights cases (mainly, in the pharma sector and as regards IP rights management entities), privileging a practical approach with a case study. It was paid

attention also to the assessment of efficiencies in order to prevent type of errors (false positives), given the practical difficulty in distinguishing genuine competition from market foreclosure by a dominant company. This seminar constituted the opening mission of Activity 2.5 (a second seminar will be organized in July), and an up-to-date introduction to abuse of a dominant position under EU law was provided, covering the many types of abuses that exist together with many examples of recent decisions and judgements. In addition, during the mission, this seminar has provided the STE's the opportunity to answer some questions from the ACA regarding its enforcement experience in the retail mobile telecom market, which is a crucial sector in Albania.

The experts involved in the aforementioned activity were Mr. Alfonso Camba Crespo; Ms. Sandra Hernández Cuchi and Mr. Francisco de Paula Roig Guerrero. Mr. Camba Crespo is a Chief Case handler at the Industry and Energy Division of the CNMC. He holds a Degree in Economics, specializing in International Economics and Development. Mr. Camba Crespo has participated in ICN Unilateral Conduct Working Group Ecn Horizontal & Abuse.

Ms. Sandra Hernández Cuchi is a case handler specialized in antitrust and merger cases related to pharma markets and preparation of dawn-raids. She holds a degree in Pharmacy and is a member of the ECN Healthcare & Pharma ECN sectorial subgroup. Mr. Francisco de Paula Roig Guerrero is a chief Case Handler - Information Society Division. He holds a degree in Law and Business Administration. Mr. Roig Guerrero has over 12 years' experience in competition law enforcement both from a legal and an economic perspective. Expertise in abuse of dominance, the assessment of consortia under competition law, bid-rigging and digital economy.





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Chapter 2. Activity 3.4 Second Mission AWARENESS ACTIVITIES ORGANIZED WITH RESPECT TO THE ACA MISSION ACTIVITIES AND RAISE AWARENESS ON THE RECENT DEVELOPMENT OF COMPETITION

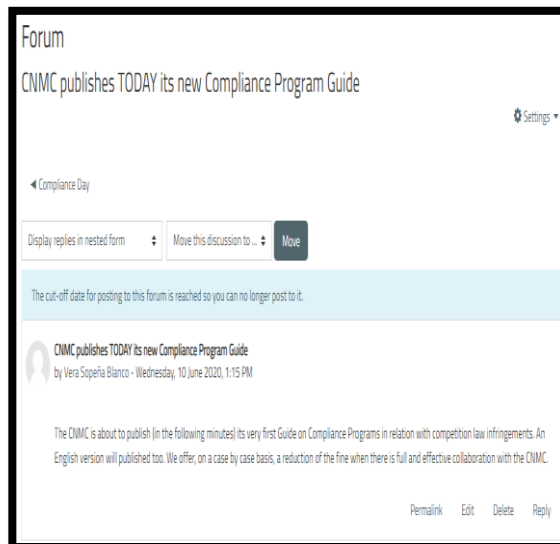
The CNMC has developed a methodology on how to ensure that competition and free market rules are not harmed when it comes to public contracting.

This activity is extremely relevant in this matter, especially because, contrary to what happens in a normal transaction between two private actors, in public contracting there is

a public entity who obtains money for his transactions in a coactive way, through taxes.

Therefore, the public entity can in some way avoid the rules of efficiency on his transactions, but at the same time is especially obliged to take them into account, since their transactions are not justified by their profit but only as long as the welfare of the citizens is increased by such transaction.

The activity carried out from 8th to 12th of June aimed at sharing the



CNMC's methodology on the design of tendering mechanisms that promote free competition, as well as clues and indicators that may lead to suspect that there is an ongoing process of bid rigging. It also served to share thorough information about compliance, the way it is treated in the CNMC and by other national competition authorities.

The expert involved in the implementation of this activity were Ms. Vera Sopeña Blanco and Mr. Francisco Rivas Moreno. Ms. Vera Sopeña Blanco is a Technician at the Services Division of the CNMC. She holds a Degree in Law with focus on Antitrust law. She has participated in several international competition fora (Latin American School of competition and AECID), and within the European Competition Network.





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Mr. Francisco Rivas Moreno is Head of Area at the Advocacy Department, he holds a Degree in Law and International Relations. Mr. Francisco Rivas Moreno is specialized in Advocacy, State Aid and Draft Regulation.

Chapter 3. Activity 3.3 IMPROVED CAPACITY OF RELEVANT PUBLIC INSTITUTIONS IN HANDLING COMPETITION ISSUES.

The abovementioned activity, which took place from 15th to 17th of June, was organized in different parts. It started with an overview presentation of the need of competition culture among public officials and how competition advocacy training sessions are extremely recommended to reach that goal.



Specifically, it was explained: the importance of competition culture among public administration, the role of the advocacy department in disseminating competition awareness among public officials and the main instruments used by the advocacy department in promoting competition culture in public sector. A special attention was also paid to training programs

on competition issues, implemented by competition agencies. Key aspects on how to design a successful training program (methodology, goals and lessons learned) were explained as well. Moreover, the experts shared with the Albanian Competition Authority their experience in implementing a training program to public officials in charge of awarding public procurement tenders.

These workshops were based on CNMC recommendations and guidelines and were aimed to train an audience of, mostly, non- competition experts on the costs and risks of bid rigging and to recommend good practices on: how to design tenders that minimize the risks of bid rigging; how to identify possible instances of bid rigging in the procurement process (red flags); and what to do when bid rigging is suspected. An example of a training workshop presentation was provided. Finally, a case study session was held, whose goal was to reach some conclusions that might help ACA to delineate a successful training program for public officials in its country.

The experts who carried out the abovementioned activity were: Mr. Francisco Rivas Moreno and Ms. Julia García – Royo Díaz. Mr. Francisco Rivas Moreno is Head of Area at the Advocacy Department, he holds a Degree in Law and International Relations. Mr. Francisco Rivas Moreno is specialized in Advocacy, State Aid and Draft Regulation. Ms. Julia





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García – Royo Díaz (Deputy Head in Public Aid and Draft Regulation Reports Unit, Advocacy Department, CNMC) holds a degree in Law and Business Management. She has participated in several workshops related to competition advocacy organized by European Commission, OECD, and ICN.

Chapter 4. Activity 2.3 STRENGTHENING ACA STAFF CAPACITIES IN THE BEST PRACTICES AND THE RECENT METHODOLOGIES USED BY EU COMPETITION AUTHORITIES WITH REGARD TO GENERAL DATA PROTECTION REGULATION (GDPR)

The goal of this mission about Data Protection regulation and Legal Professional Privilege, which took place from 17th to 19th June, was to offer a solid knowledge of such matters, specially, from an EU perspective so that ACA can strengthen its capacities and put them into practice to provide particulars with the maximum guarantees whilst developing competition procedures. To do this, the experts delivered power point presentations

including an overview of the legal applicable regime to data protection within the EU.



They reviewed the main topics that are treated within the General Data Protection Regulation as well as the novelties introduced. Afterwards, the experts analyzed the evolution and challenges arising from the interaction between data protection and competition, analyzing the key

documents that have marked the different steps of this evolution and pointing out the present and future challenges that we have to face within the framework of our digital societies. Then, the experts developed the legal regime concerning Legal Professional Privilege. As a final point, the main aspects of Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure was also analyzed during the progress of the activity.

The experts that carried out this activity were Ms. Irene Chamorro González and Ms. Nuria Castellano Hurtado. Ms. Chamorro González is a Chief Case Handler at Industry and Energy Division she holds a Degree in Law and Political Science and Sociology. Ms. Chamorro González is specialized in Merger and antitrust cases, preparation of dawn-raids. Ms. Hurtado is a Case Handler at the Industry and Energy Division of CNMC. She holds a Degree in Law and Political Sciences and Public Administration and she has a wide knowledge in Pharma Market, Industrial markets, horizontal agreements, gun jumping, abuse of





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dominant position, sham litigation etc. Ms. Hurtado has worked in several DGCOMP Advisory Committees on antitrust/mergers policies.



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