

Final Report

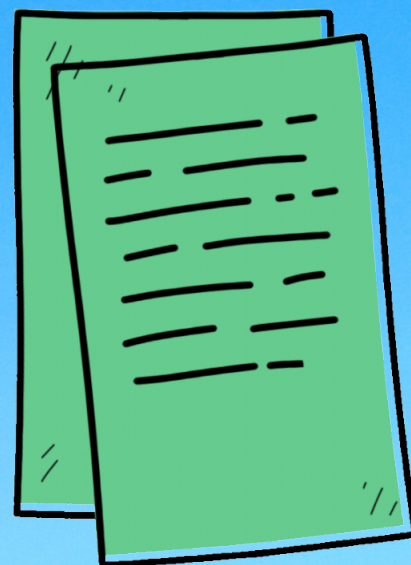
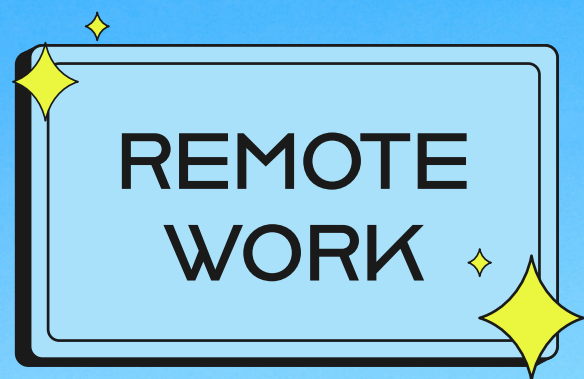
Dr Šarūnas Pajarskas, RTA

Final Report: general facts

Q11:

PSC 11 – on 20 December 2022, approval of Q10 Report & RWP 11 for the last 3 months

34 STE (remote) missions with **80** working days implemented in Q11

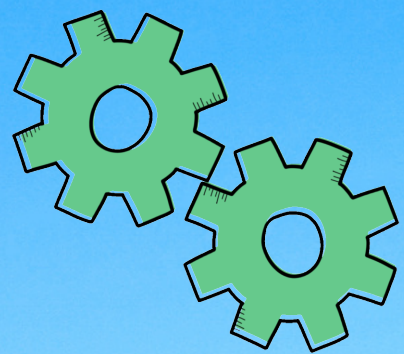


Final Report: general facts

Final Report covers the period from 25 May 2020 to 24 February 2023

In Q1-Q11:

787 working days implemented in total in Q1-Q11
16 Side letters and **4 addenda** were approved in total



Final Report: general facts

Project's total budget - EUR 1.2 million

Budget utilization is 93%

28 experts from Germany were actually involved in missions, 23 from Romania, and 14 from Lithuania

Teleconference platforms proved to be effective, in particular, in long-term legal drafting



Final Report: general facts

- 16 trainings for AMCU staff on competition policy (jointly with USAID-FTC)
- 6 trainings on quantitative methods in economic analysis for AMCU economists
- 4 trainings on economic issues
- 35 consultations on particular questions identified in investigations, court cases, or market studies

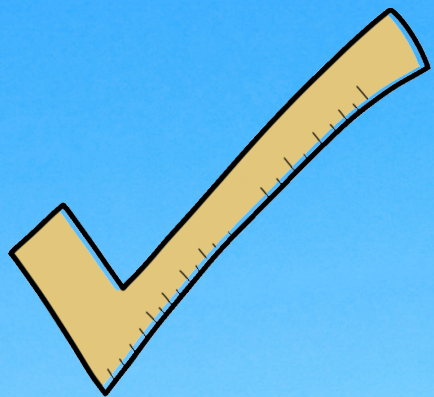


Final Report: general facts

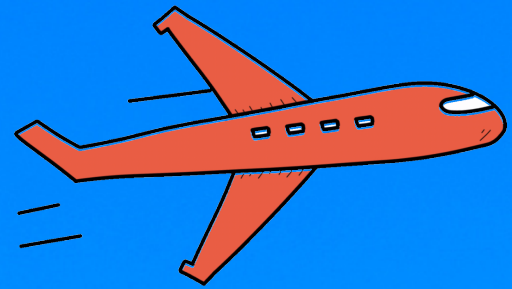
9 lectures to university students jointly with USAID-FTC program (out of 22)

Roundtable with Ukrainian judges

8 trainings for AMCU staff on public outreach and advocacy



Final Report: general facts



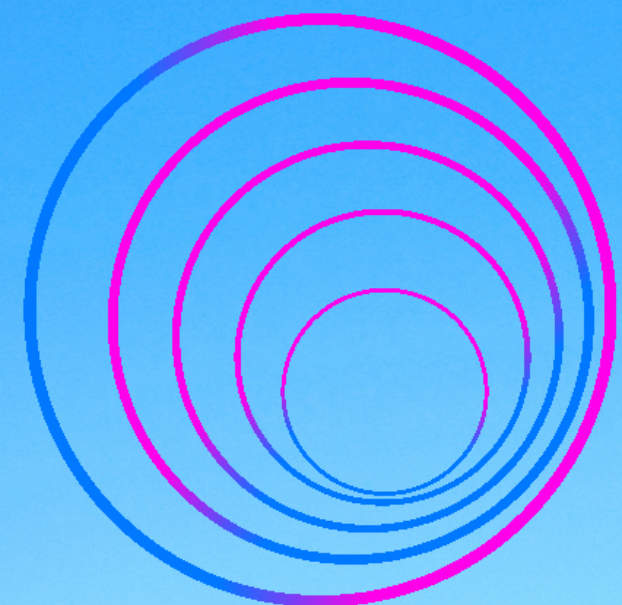
- 3 study visits



Final Report: general facts

Stage 1 package of law amendments (**6 blocks**) - passed the first reading in the Verkhovna Rada in July 2021 (registered under #5431)

It was prepared for adoption in January-February 2022



Final Report: general facts

Stage 2:

28 blocks of primary legislation have been prepared (in cooperation with USAID-FTC) (vs 23)

+ 13 bylaws (substantive)

+ 8 bylaws (procedural)



Final Report: general facts

- **Intensive drafting workshop** in Vilnius (Lithuania) organized by USAID, in close cooperation with Twinning, from 13-16 December 2022
- **Facilitated** effective progress in drafting



Overall objectives

(effectiveness, transparency, consistency)



1. Level of compliance with legislation and enforcement of EU

High - AMCU accepted legislative proposals

2. Level of satisfaction of key stakeholders

Improved - associations, judges admitted progress, media negativity decreased

3. Level of integration of AMCU into international networks

High - member of ICN, participant in OECD's Competition Committee, strong links with MS

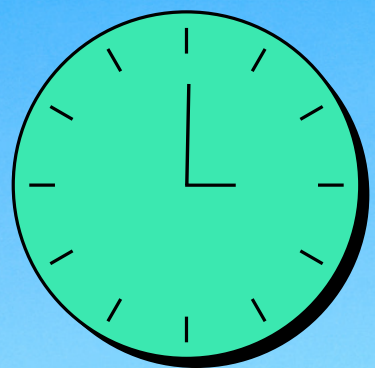
Specific objectives (alignment)

1. Level of implementation of the law alignment

Stage 1 and 2 legislative proposals prepared

2. Assessment of competition policy approximation

Good progress - AMCU accepted proposals; draft law #5431; EC's positive assessment



Specific objectives (capacity)

3. Quality of AMCU decisions

80% positive assessment (based on 9 decisions) (vs 90%)

4. Percentage of AMCU decisions in courts

10% in 2022 vs *31%* in 2020

5. Public dialog tools

17 tools in 2022 vs *13* in 2020

6. Competition advocacy strategy and tools at AMCU

Present



Mandatory result 1

1. Legislative gaps

> 90% of identified gaps were included in the action plan

2. Presence of the action plan

The up-to-date **action plan** with priorities - elaborated, agreed upon, revised



Mandatory result 2

1. Number and type of legislative proposals

One primary legal act was proposed (draft law #5431 registered in the Verkhovna Rada)

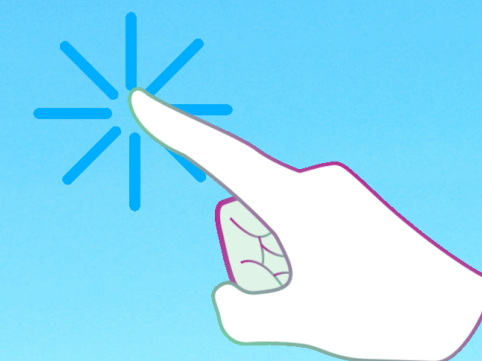
13 secondary legal acts (vs 10)

2. Number of consultations on legislative proposals

8 consultations on draft #5431 (V. Rada, MP, UBA, EBA, AmCham, Anticorruption agency)

3. Level of endorsement of legislative proposals by AMCU

Full endorsement of Twinning proposals



Mandatory result 3

1. Relevance and applicability of AMCU rules and procedures

AMCU rules and procedures better and clearer based on EU law and best practices

2. Number and type of rules and procedures reviewed

Proposals for amendments were recommended for **8 rules** and procedures (vs 6)

3. Level of acceptance of revised procedures/rules

Proposals were discussed and broadly **accepted**. The adoption is conditioned on passing the primary law



Mandatory result 4

1. Number of cases/decisions considered by AMCU with Twinning experts' guidance

35 consultations in specific cases/investigations (vs 25)

2. Number of participants involved in capacity building/training activities

59 persons in competition policy webinars (vs 50); 45 - on economic issues; 5 - for economists

3. Satisfaction rate of participants

Quality and professionalism of the speakers – very good



Mandatory result 5

1. Quality of AMCU communications and outreach functions

Improved

2. Number and type of recommendations/strategic documents on public outreach and advocacy actions of the AMCU

3 strategic documents prepared (strategy, action plan, training plan)



Mandatory result 6

1. Number of participants trained in outreach & advocacy 360 vs 150

2. Satisfaction rate of participants in capacity-building activities *Very good*



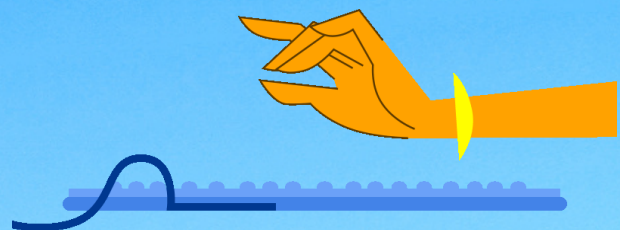
Impact

- **Specific objectives** - further **alignment** with EU acquis, enhancement of AMCU's **capacity** - achieved
- Drafts for 34 blocks (areas of legislation) have been prepared and submitted to AMCU (stages 1 & 2)
 - In cooperation with the AMCU staff and experts from the USAID-FTC program
- Drafts will have a long-term impact on developing competition law and AMCU enforcement capabilities



Impact

- Quality of AMCU decisions (assessed for their structure, clarity, and quality of proof) has improved
- Number and type of public dialogue tools used by AMCU have increased
- Competition advocacy strategies and tools have been developed and implemented at AMCU
- Project contributed to the AMCU's efforts in stimulating effective competition



Impact

- **Overall objective** - increase the effectiveness, transparency, and consistency of competition policy in Ukraine - achieved
- Closer alignment with the EU competition framework, as required by AA/DCFTA (Title IV, Chapter 10)
 - The proposed legislative framework is compliant with EU law and is accepted by AMCU. The project contributed to the AMCU's efforts in stimulating effective competition
 - Satisfaction level of key stakeholders with new legislative proposals contained in draft #5431 - increased
 - AMCU's capacity to foster an effective competition system was enhanced



Sustainability

- Outputs (drafts, training materials, slides) - stored on Google Drive
- Positive long-term impact on AMCU
 - Drafts by the EU experts - a basis for initiating amendments (draft law #5431, passed the first reading in Verkhovna Rada in July 2021)
- Stage 2 proposals - drafted and fine-tuned
- AMCU is committed to finalizing the stage 2 draft and submitting it for adoption in Parliament
 - Twinning partners (LT, GER, RO) are committed to supporting AMCU after the project end, based on established contacts and long-term collaboration in the project



Recommendations

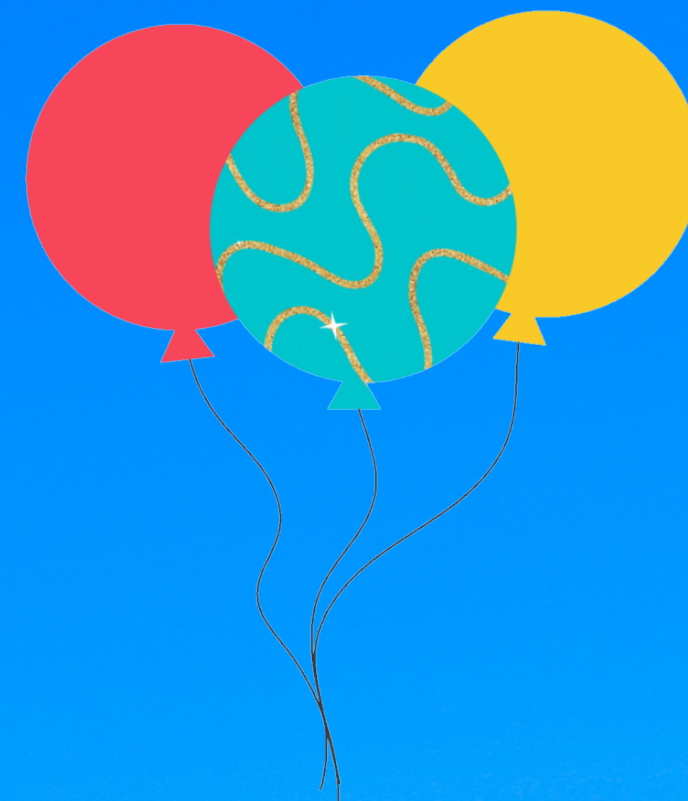
- Efforts to pass the new legislation proposed should continue concerning both draft #5431 and stage 2 law amendments
- To fine-tune the initial proposals in some areas (stage 3), advice from the EU experts competent in the EU law is to be needed after the project end
- AMCU is to explore with the EU Delegation possibilities to further support AMCU to sustain the progress achieved



Recommendations

- Training activities (inspections, merger control, modern investigative techniques) are to be continued
- Using, e.g., EU technical assistance or programs available from other donors, e.g., the USAID-FTC program
 - Awareness raising among the public, businesses, state bodies, and non-governmental organizations about competition law and AMCU's functions is to be continued and expanded





Thank you!

Дякую! До побачення!