

# 2<sup>nd</sup> Joint Meeting of ECRB and Energy Community Competition Network

18 September 2014, 9:00 – 15:30

Hotel Divani Caravel, Vas. Alexandrou Avenue 2, Athens, Greece

Co-chairing

*Dirk Buschle*, Deputy Director / Legal Counsel, ECS & *Branislav Prelevic*, ECRB President

## Introduction

09:00	<b>Welcome and introduction</b>	<i>Dirk Buschle</i> , ECS <i>Branislav Prelevic</i> , ECRB President <i>Mirta Kapural</i> , EnC Competition Network Chairwoman
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## Session 1 – Training & experience sharing: key elements of a sector inquiry and how to organise

Moderator: *Rozeta Karova*, ECS

09:15	<b>Case study European Commission's sector inquiry</b> <ul style="list-style-type: none"><li>- Identifying the scope – problem definition, legal classification of the assumed anti-competitive behavior</li><li>- Identifying the target group – assumed parties involved</li><li>- Defining the analytical approach – indicators for problem analysis, parties to be addressed, result deduction</li><li>- Procedures – cooperation of energy and completion experts, process transparency and accountability</li></ul>	<i>Annette Klemann</i> , DG COMP, European Commission
09:35	<b>Case study EU Member State's sector inquiry</b> <ul style="list-style-type: none"><li>- Scope – problem definition, legal classification of the assumed anti-competitive behavior</li><li>- Analytical approach – indicators used for problem analysis, parties addressed, result deduction</li><li>- Procedures – cooperation of energy and completion experts, process transparency and accountability</li></ul>	<i>Dr. Theodor Thanner</i> , Austrian Competition Authority

10:15	<p><b>Energy companies in a sector inquiry – lawyer’s perspective</b></p> <ul style="list-style-type: none"> <li>- How do companies prepare for sector inquiries</li> <li>- What the competition authorities have to know when approaching companies</li> <li>- How to phrase the questions in order to get the right answer</li> <li>- Procedural aspects – legal privilege, documents collection</li> </ul>	<p><i>Mario Siragusa / Francesco Maria Salerno, Cleary Gottlieb</i></p>
11:00	<p><i>Coffee Break</i></p>	
<p><b>Session 2 – Experiences from the Contracting Parties – investigations in the energy sectors</b>  Moderator: <i>Nina Grall, ECS</i></p>		
11:30	<p><b>Case study 1 – Ukraine</b></p> <ul style="list-style-type: none"> <li>- Planning and structuring the sector inquiry</li> <li>- Cooperation between NRA and NCA</li> <li>- Investigations and competition relevant problems identified</li> <li>- Results, lessons learnt &amp; way forward</li> </ul>	<p><i>Mr. Sergii Shershun, Antimonopoly Committee of Ukraine</i>  Representative Regulatory Authority</p>
12:00	<p><b>Case study 2 - Albania</b></p> <ul style="list-style-type: none"> <li>- Planning and structuring the sector inquiry</li> <li>- Cooperation between NRA and NCA</li> <li>- Investigations and competition relevant problems identified</li> <li>- Results, lessons learnt &amp; way forward</li> </ul>	<p><i>Mr. Pajtim Melani, Competition Authority of Albania</i>  <i>Mr. Agim Nashi, Energy Regulatory Authority</i></p>
12:30	<p><b>Interactive discussion - comments from speakers from Session 1 on</b></p> <ul style="list-style-type: none"> <li>- Key national barriers to competition – as presented by Contracting Parties’ NRAs and NCAs</li> <li>- Existing investigation activities – as presented by Contracting Parties’ NRAs and NCAs</li> <li>- How to improve and what is missing for a <i>real</i> sector inquiry</li> </ul>	<p><i>Round table discussion</i>  Speakers from Session 1  Contracting Parties NRAs and NCAs</p>
13:00	<p><i>Lunch Break</i></p>	

### **Session 3 – How to get real**

Moderator: *Andrej Špik, Senior Research Fellow, ECS*

14:00	<b>Timeline and planning activities for pilot sector inquiries in 2015 – Bosnia and Herzegovina</b> <ul style="list-style-type: none"><li>- How to establish common NRA – NCA investigations on the identified problems – practical and procedural aspects</li><li>- Making use of existing experiences: what is missing for transforming NRAs market monitoring into a joint sector inquiry with the NCA?</li><li>- How to shape a sector inquiry and support needed?</li></ul>	Speakers from Session 1 and BiH representatives: <i>Mrs. Arijana Regoda-Dražić</i> , Competition Council of BiH <i>Mr. Mirsad Salkic</i> , State Electricity Regulatory Commission
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### **Session 4 – Conclusions & way forward**

15:00	<b>Concluding remarks</b>	<i>Dirk Buschle, ECS</i>
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